Franklin Tennessee
September 21th 1818

Sir

Your favor under date 28th Augst last was duly received by which I am advised that Thirty thousand Dollars have been placed to my credit in the U States Branch Bank of New Orleans

I have writen of this date to Capt Ths F Hunt Asst Dept Qur Mr Genl, that You will pay him that amount on his producing evidence of his having entered into bond and Security for the faithful performance of his duty a Quart Master, and then passing triplicate receipts in my name for that Sum, one of which You will pleas retain enclosing the other to me at Nashville

You will therefore without other advice pay over the Sum of $ 31,000 under the above direction

Accept assurances of my friendship and esteem
(Signed) Andrew Jackson
Maj Genl Comdg
Divn South

Joseph Saul Esqr
Cashier, B.B.U.S.
New Orleans

Nashville 21st Novr 1818

Sir

Your Letter of the 11th of Oct enclosing a Department Order directing the convention of a General Court Martial for the trial of Maj Riddle of the 8th Infantry and others has been received and laid before the Commanding General who has been pleased to direct, that Maj Fanning and Captains Peters and Sands of the 4th Battalion of Artillery be relieved from the duties assigned them as Members of the above mentioned Court Those Officers having been placed under the immediate Command of Maj General Gains are not at present subject to Your Orders, they have been assigned to the Garrisons of Fort Gadsden and St Marks and there is little probability of

of their being relieved from those Commands as early as the period specified in Your Order for the Organization of the Court Martial

I have the honour to be
very Respectfully
Your Obt. Servt.
R K Call
A D Camp

Maj. Genl Ripley
Comdg 8th M Dept
Bay of St Louis

Nashville 21st Novr 1818

Sir

Your Letter of the 29th of July addressed to Col Butler has been received in reply to Your request for an addition to the Guard ~~now~~ Stationed at the Chocktaw Factory. I am directed by the Commanding General to inform You. that should an additional force become indispensibly necessary for the protection of the public property You have in charge. Your Requisition will be complied with. but as it appears from Your Letter that no such necessity exists. and that the ostensible reason for which a greater number of Men have been required is that they may be employed in loading and unloading Boats, and preserving Skins. the General believes that the various duties in which his Troops are engaged are of more importance, and he is unwilling that a Soldier of his Command should be employed in the menial ~~duty~~ ie of either beating Skins or loading Boats

Respectfully
Yours
R K Call
A D Camp

George Gains Esqr
Indian Factor
Chocktaw Factory

Head Quarters
Nashville 25th Nov 1818

Sir

The enclosed documents will shew you that Col Clamson of the Commissary Department of Purchases has been arrested on the special application of Brigd Genl Smith of the Rifle Corps. on the Charges of Disobedience of Orders and Desertion.

It is true that by the 9th Section of the Regulations of the War Department under the head of the Purchasing, the Clothing Department is subject alone to the Orders of the War Department and the Commissary of Purchases

But in the 6th Section of the Act of Congress approved the 24th of April 1816 it is stated, that all Pay-Masters, Commissaries, and Storekeepers, shall be subject to the Rules and Articles War in the same manner as Commissioned Officers. from which I infer that no Rule made by the War Department militating against the express Law of Congress. could change the Act so as to protect the Commissary from arrest and punishment for a disobedience of Orders or Desertion both of which by the Rules and Articles of War are made capital Offences

The scarcity of Officers in the 9th Military Department has prevented the Organization of a Court Martial for the trial of Col Clamson. which affords an Opportunity of presenting the subject to your view and receiving your instructions thereon. It appears to me that the Law and the Regulation quoted is at pointed war with each other unless by this Regulation it is intended that the Commissary in his purchases shall only be subject to the Order of the Department of War, or the Commissary General. but for any neglect of Duty, disobedience of the Orders of his Superior Officer, Bounty, or Desertion from his Post he is subject to the severest penalty of Martial Law,

I beg leave to direct your attention to the order directing supplies

to

to be removed from Bell Fontain to St Louis. I fear this has originated from a disagreement between General Smith and Col Clemson. As the Post ordered to be established at the Mouth of Yellow Stone will require the greatest supplies on the Missouri, to effect this object Bell Fontain must be the most eligable point of deposite. I have thought it my duty before I retire from Service to bring this subject to your view, believing that you possess the highest regard for the Army and that you feel the deepest interest in promoting its reputation. I am convinced you will adopt the necessary measures to insure its usefullness and respectability. to effect which harmony and subordination must be introduced, all must be made subject to, and none above the controle of martial Law.

The Honl
J. C. Calhoun
Secy of War

Accept Sir the Assurance of my great respect & esteem
(Signed) Andrew Jackson
Maj Genl Comg
Division of the South

Nashville 27th No 1818—

Sir

The Regulation of the 1st of February 1818 requiring the Senior Officer of each Regiment and Corps to transmit to the Department of War, annually before the 1st of September, estimates of Clothing, and Camp Equipage for the supply of their respective Commands for the ensuing Year, with a return of articles on hand, their condition and &c. having not been complied with by any but the Senior Officers of the 1st and 7th Infantry the Commanding General directs that You cause an enquiry and Report to be made, in each case of neglect within Your Department.

All future deficiencies of report so important in Regulating Army Supplies, will furnish charges for disobedience of Orders

You will direct all Officers who are in default to make out and transmit their estimates forthwith agreeable to the Regulation

By Order
(Signed) Richd I Easter
A D Camp

Maj Genl Ripley
Comd 8th M. D.
Bay St Louis

Head Quarters
Nashville 31st Nov 1818

Sir

I have the honor to acknowledge the receipt of your Letter of the 13th Inst advising that Col McKee Agent of the Choctaws has been charged with the payment of the Warriors of that Nation late in the Service of the United States: of which I have notified Capt Hogan Paymaster of the 4th Infantry. It is gratifying to me to find that the late treaty concluded by Governor Shelby and myself with the Chickasaw Nation of Indians meets with your approbation

I am very Respectfully Yr obt Svt
(Signed) Andrew Jackson

J. C. Calhoun
Secy of War

Head Quarters
Nashville 8th Decd 1818

Sir

I am directed by the Commanding General to acknowledge the receipt of Your Letter of the 14th ult. and to assure You that the measures You have adopted in relation to the Seminole Indians meets his entire approbation It will be necessary however for all who seek the clemency of the Government to move within the limits of the United States, before any means of relief can be offered them. the re establishment of Peace on our South Frontier, so essential to its security renders it important that every manifestation on there part of a disposition to abandon their Warlike pursuits should be encouraged by us, humanity dictates the course which You are determined to pursue, it must consequently meet the full and entire approbation of the Government and the General is sanguine in the belief that the influence of such magnanimity, ~~when~~ upon a Savage heart must prevent a recurrence of the Cruelties we have been compelled to witness

By Order
Richd I Easter
Aid De Camp

Maj Genl
E P Gaines
Camdg 6 & 7 M. Ds

Washington City
January 26th 1819

Sir

Your Letter of the 19th Decr last has been received agreeable to the request there in contained I am directed by the Commanding General to inform You that Lieut Robert Bealle of the Corps of Artillery will be permitted to remain within Your Department until after the 1st day of April next. the time

at which he is bound to appear before the General Court for the County of Mobile after which he will proceed to the Head Quarters of Maj Bankheads Battalion and report him self accordingly.

Respectfully
Your Obt Servt
R K Call
A D Camp

Maj Genl Ripley
Comdg 8th M Dept.

Washington City
January 28th 1819

General

Lieut Robert Beall of the 1st Battalion of Artillery having been bound to appear before the Genl Court for the County of Mobile at the next April term. I am directed by the Comdg General to inform You, that he has permitted him to remain on duty within the 8th Military Department until after that period, after which he will proceed to the Head Quarters of his Battalion and report him self accordingly.

I have the honor to be
Very Respectfully
Your Obt Servt
R K Call
Aid D Camp

Maj Genl
E. P. Gaines
Comdg 8 & 7th M Depart.

Head Quarters
Nashville 13th April 1819

Sir

Your Several Letters of the 4th of January and Feb have been received by the Commanding General Your request relative to the Waggon which You had broken in Public service shall be duly attended to with regard to the payment of Lieut Boyles

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of Your Command. the General bids me inform You that, if he has been appointed by You and regularly mustered in and out of Service it meets his entire approbation and the Lieutenant will be entitled to his pay and emolumne as Such. he further directs that Lieutenant Boyle will call on Maj Hogan for Payment and if he is not paid, to request of Maj Hogan a written Statement of the case. and he will then give an Order for the payment.

The Commanding General has read with the highest Satisfaction Col Kings Report of Your Soldierly Conduct on every Occasion during Your Command of the Rangers in West Florida he bids me present to You and through You to Your Detachment, his Sincere thanks for Your Gallant Services. and to assure You. that it will ever afford him the greatest pleasure to be enabled to serve You. Accept Sir my best wishes for Your health and prosperity

Yours Respectfully
R. K. Call.
Aid. de. Camp.

Capt Thos. H. Boyle,
Clairbourne Alabama

Head Quarters
Nashville 13th April 1819

Sir

Your Several Letters bearing date the 4th and 10th of Feb. have been received. I regret extremely the embarrased Situation in which You have been placed owing to the want of funds in the Quarter Masters Department. not until the receipt of Your last communication did I learn that You were without an Officer of that Department. Capt Hunt has been under Orders to join You. from New Orleans

for more than four Months past and I presumed that he had obeyed his instructions. I have Ordered a strict investigation of the cause of his disobedience and if Satisfactory reasons are not given. Shall direct his arrest. Be assured Sir I am far from attaching censure to Your conduct which has been highly Satisfactory

I have read with pleasure Your correspondence with General Echeverri, Your conduct in the evacuation of Pensacola as well as on every occasion during Your unpleasant command in West Floridas meets my entire approbation.

You have no doubt heard of the Cession of the Floridas to the U.S. there is little doubt of the Ratification of the Treaty by Spain. and I hope in a short time You will have the pleasure of relieving the Spanish General again in the Command of the Barrancas

I am Sir
Very Respectfully
Your Obt Servt
(Signed) Andrew Jackson

Col King
4th Infantry
Mont Pelier

Head Quarters
Nashville 13th April 1819

Sir

The enclosed Letter has been received from the War Department requesting an investigation of the conduct of the Officer therein complained of.

The Commanding General directs that You cause an immediate examination to be made of the attendant circumstances and Report thereon.

The Commanding General cannot sanction neither can he believe that an Officer of the Army would wantonly inflict punishment

on the lowest menial of the Camp. but since the Report has been made it is necessary to ascertain whether it be correct or unfounded.

By Order
R. K. Call
Aid de Camp

Col. T. Chambers
Comm. 9th M. D.
St. Louis Missouri

Head Quarters
Nashville 14th April 18[illegible]

Sir

Your Letter of the 5th of January has been received by the Commanding General. who bids me inform You. that he has forwarded the Letter which You enclosed from a Contractors Agent on the Missouri to the Commanding Officer of the 9th Military Department. with Order to institute a strict enquiry in to the conduct of the Officer complained of and to report there on.

Though the Commanding General requires a strict observance of the Rules of Discipline and Subordination from all Followers of the Camp he will never Sanction an abuse of power in any Individual. and should the Officer on investigation be found to have inflicted a cruel and unprovoked punishment on the lowest follower of the Army. he will be arrested and brought to trial for an infraction of the 13th Article of War

By Order
R. K. Call
Aid de Camp

The Hon.
J. C. Calhoun
Secy of War

Head Quarters
Nashville 15th April 1819

Sir

Owing to my absence from Head Quarters your Several communications bearing date Decr 29th January 2d 9th 12th 16th 29th and Feb 27th and 1st of March with their accompanying Documents were not received until a few days Since.

The course you have pursued in relation to the conduct of the Conduct of the Commandant of St Augustine meets my highest approbation

The reoccupation of the Floridas by the Spanish Authorities precludes the possibility of my adopting any other measures either with regard to the capture and confinement of Lieut Stanton or the Supplying the Hostile Indians with Ammunition than to report the circumstances to the Department of War. I trust however that Such unwarranted aggressions will not be tacitly borne by our Government.

I regret the embarrassments to which you have been exposed in consequence of the want of Quarter Master funds. but I presume you have been joined by an Officer of that Department previous to the present date, if however I should be disappointed in this supposition be pleased to advise me of the fact as early as practicable and an Officer with funds shall be ordered forthwith to your relief

Respectfully
Your Obt Servt
Andrew Jackson
Maj Genl

Maj Genl
E P Gaines
Commdg 6 & 7th M D
(Signed)

Head Quarters
Nashville 16th April 1819

Sir

Enclosed herewith I have the honor of transmitting a Copy of the last communication received from Col King together with a Copy of his Correspondence with General Echevin commanding the Spanish forces destined to reoccupy the Province of West Florida

By Order
R K Call
Aid de Camp

John C Calhoun
Secty of War

Hermitage near Nashville
22d April 1819

Sir

I have received a Commission from the President to hold inconjunction with Yourself and Col Burnett a Treaty with the Chocktaws. It appears from the communication I have received that You are intrusted to obtain the sence of the Nation whether or not they are disposed to treat and that the Treaty is not to be Ordered unless there is a probability of success.

Permit me to suggest the propriety of making the following statement to the Chiefs of the Nation by way of preparing them for the Cession so important to themselves, to the People of the State of Mississippi and desirable to their friend and father the President of the United States. It is a fact and ought not to be withheld from them, as it will bring to their views their true situation and open their Eyes to their own benefit and happiness. It is true that a Bill was reported at the last Session of Congress

the object of which was to enforce the return of that part of the Nation, which has Settled West of the River Mississippi. which Bill is suspended until the next meeting of Congress. for the purpose of obtaining the Sense of the Nation whether a part or the whole of the Nation would agree to exchange the Land where they now live and cross and Settle with them what is ment by the whole is the great body of the Nation. who are not inclined to come under the immediate Laws of the United States. all that are ripe for Society. and wish it would be indulged with a reservation. should it appear ~~that the Nation~~ that the Nation is opposed to the exchange of their present Situation, the next Congress will pass a law as I believe to bring back those now settled West of the Mississippi— this will place the Nation in an unpleasant Situation— for as soon as it is made known that the Chocktaw Nation has declined removing to this Country procured for them by the U States. the Whites will immediately Settle on it and the U States will be compelled to make Sail of it

What then will be the Situation of the Nation a vast portion of them will not labour. and they cannot support East of the River by hunting.

The Six Towns can not exist where they now are. and the conciquence will be that necessity will compell them to separate. and Some join one tribe and Some an other. by which they will become extinct. and lost as a Nation.

Every friend to the wellfare of that Nation ought to advise them against a conduct which will lead to that event. now is the time and the only time the Government will have it in it power to make them happy by holding the Land

West of the Mississippi for them and this can only be done by their consent to an exchange in whole or in part. Now the Government has it in its power to act liberally with them this is its wish

The instructions given me are ample, and if I act at all it will be with a view to the happiness of the Nation and the convenience of the State of Mississippi. every friend of the Nation must see the road to the perpetuation and happiness of the whole Nation in the plan proposed. and the happiness of those who wish to remain by being secured in a reservation of Land where they now are, and protected by the Laws and becoming Citizens of the U.S.

If they exchange provision will be made for their comfort until they are Settled in their new Country, and if a Treaty is held You may say to the Chiefs, that we are induced not only to be liberal to the Nation but to them individually.

I would recommend should this meet Your approbation that You send it round to the Chiefs by Young Peachland eldest Son of the Interpreter to the Nation that he may explain it to the Chiefs and Warriors. for which Service if a Treaty is made he will be amply rewarded if the Nation does not treat You will have to Stipulate, as Agent that he will be paid for his trouble and expence. he has written to me that he would be willing to undertake this Service On the receipt of this pleas write me

I am Respectfully
Col John McKee Your Obt Servt
Choctaws Agent (Signed) Andrew Jackson

Head Quarters
Nashville 5th May 1819

Sir

By Lieut Mason you will receive one thousand Dollars which is presumed will be sufficient for the support and contingent expencies of Your Command until the first of June at which time the Commissariat System will go in to opperation

The General directs that you immediately make a requisition on Col George Gibson Commissary General for the future Supply of Your Command

I am Sir
Verry Respectfully
Your Obt Servt
R. K. Call
A. D. Camp

Capt Humphries
Comdg a Detachment of
the 8th Infantry on
the Military Road

Head Quarters
Nashville 10th May 1819

Sir

The Documents here with enclosed have been received from the Commandant of the 9th Military Department they exhibit the distress and privation sustained by the Troops Stationed in that Section of Country and the cause from which it originates

The irregularity and want of Subordination attendant on the present regulations for the government of the Commissary Department is evident. The Assist Commissary General of Issues though a Military Officer and recognized as such by the Rules and Articles of War is made independent of and placed beyond the control of the Officer within whoes Command he may be Stationed hence as in the present Instance the Commissary may abandon his Post at will regardless of the authority of the

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Commanding Officer, and to the manifest in-
-jury of the Public Service

I have been directed by the Commanding
General to make those remarks on the Subject
and request Your immediate attention thereto
in order that the necessary measures may be adopted
for the remedy of the evil complained of

I have the honour to be
Very Respectfully
Your Obt Servt
R K Call
A. D. Camp

The Hon
J. C. Calhoun
Secretary of War

Head Quarters
Nashville 15th May 1819—

Sir

I do myself the pleasure of acknowleging the receipt
of Your communication of the 17th of April

I am pleased to hear of the progressive State of the
preparations for the expedition with which You have been
charged, and flatter myself this will find You with
Your Command in St Louis.

I addition to the instructions al ready given for
Your government I deem it necessary only to recommend
the strictest observance of caution ~~and~~ vigilence in
ascending the Missouri. It may be necessary by acts
of friendship to quiet the fears of and concilliate the
feelings as much as possible, but at the same time to
suffer no act or profession, on their part to put you for
a moment off Your Guard. the Treachery of the Indian
character will never justify the reposing of confidence
in their professions. be always prepared for defence
and ready to inflict examplary punishment on the offen-
-ders when necessary.

The British Traders will no doubt excite the Indians to hostility they ought in my opinion to be hung, where ever they are found amang the Indian Tribes within our Territory a few examples would be sufficient and the Commanding Officer of the Troops is the proper authority to judge of their Guilt and Order their execution. But the over cautious policy of the Executive has directed that they only be arrested and reported to him (as expressed in your Order) This instead of puting down the influence of British emmissaries I fear will have a very different effect.

I have the honour to be
Very Respectfully
Your Obt Servt
(Signed) Andrew Jackson

Col H. Atkinson
U. S. 6th Regt Infty
Comg the Yellowstone
Expedition St Louis

Head Quarters
Nashville 18th May 1819—

Sir

Having been informed of the failure of the Contractor to furnish the necessary Supplies for your Detachment The Commanding General directs that you require of the Agent Mr Fleming, a writen Statement of the cause of such failure. and that a Copy there of be forthwith transmitted to him

I am Sir
Very Respectfully
Your Obt Servt
R K Call
A D Camp

Capt Humphreys
U. S. 8th Regemt Infant
Military Road

Head Quarters
Nashville 24th May 1819

Sir

Your Letter of the 24th of April has been received in reply to your inquiries relative to the Forage due your Command. I must inform you there is no allowance made by Government for back Forage neither can the Forage be drawn in kind except within the month for which it is due

For the Back Rations due your men they will receive a compensation to ascertain the amount due it will be necessary to obtain the Certificate of the Officer comdg. the Detachment and the Certificate of Col. King who Signed the Abstracts of the Contractor

The Horses Lost and Killed in the Campaign will be paid for by Government so soon as an appropriation is made for that purpose by Congress

Capt. J. McGirt
Claiborne Ala. Ter.

I am Respectfully
Your Obt. Servt.
(Signed) Andrew Jackson

Head Quarters
Nashville 24th July 1819

Sir

Your Letter of the 10th Inst. with its accompanying Documents has been received and forwarded to the War Department. The instructions which you have given to Capt. Baird are highly approved.

The Military being Subordinate to the Civil power, can not act in the present case unless their Services are required to aid the Civil authority in case of such requisition I am convinced you will promptly furnish the necessary assistance to effect the object desired

General Ripley

Your Obt. Servt.
(Signed) Andrew Jackson

Head Quarters
Nashville 24th July 1819

Sir

I have the honor to transmit for the information of the President the enclosed documents received from Genl Ripley together with a Copy of my answer to his communication, From the correspondence of the Civil and Military Officers on the Subject you will discover that an armed force of American Citizens is now assembling on the Sabine River with a view of invading the Province of Texas

From many corroborating circumstances I am justified in the belief that this expedition has been planned by designing men, who from Personal feelings of hostility are desirous of involving the President in a political difficulty. and furnishing matter for declamatory discussion at the next Session of Congress

This is a Subject of some importance and may require the attention of the Executive. from the Acts of Congress and the Proclamation of the President I know how far it is made obligatory on the part of the Civil and Military Officers to prevent the levying of men within our Territorial limits for the invasion of a Country with which the U S are at peace.

But I am at a loss to know whether our Citizens (until the ratification of the Treaty with Spain is promulgated) after having passed the Sabine River, will be Subject to either the Civil or military authority U S even though they Should be found in arms.

I shall await your Instruction on this Subject

J C Calhoun
Secty of War

I am Sir
Very respectfully
Your Obt Servt
(Signed) Andrew Jackson

Head Quarters
Nashville 27th July 1819

Sir

Head Quarters
Nashville 31st July 1819 —

Sir

Your Letter of the 12th Inst has been received and it would have afforded me the much pleasure to have found from its perusal conclusive testimony of the correctness of ordering a road to be opened from the Bay of St Louis to intersect the Military road, at a time when it was believed by myself and the Government that all the Troops under your command that could be spared from other necessary duties were employed on the Military Road.

That every disposable Soldier would have been engaged in completing this Road I had a right to expect. both from my Letters of the 15th and 27th of November last as well as from your letter of the 1st of may

I have read your Letter with attention but shall come to no conclusion on the Subject until I have received the Report you have promised me of Lieuts Yancey and Craig. and your own report with which I shall expect you to furnish me with a plan of the Road you have been cuting: connecting with the rout up the Chatahoolas River. then the portage over Land to Pearl River, In the mean time I will briefly observe from my Person knowledge of that Country (having explored it with an eye to its defence) I have no doubt but the most certain, the expeditious and the least expencive mode of supplying the Detachments with Provisions will be to transport it from Chef-fonte along the road which has been cut, while the Troops are progressing towards the Tombigbee a Depot should be established on that River at the Point where it will be intersected by the Military road and from thence they may draw their supplies as soon as they are within Striking distance,

It appears to me that if the expence and Labour bestowd in opening this cross road had been employed on the Military road it would ere this been nearly completed. I cannot imagine how the transportation of Supplies for the Troops along the road they are cutting can interfere with the progress of their Work. the Quarter Masters and Commissaries Department are bound for their conveyance. and the Teams employed with the Troops are competent to their removal from Camp to Camp this can be done with little inconvenience as the camps are so seldom removed

When you reflect Sir that this road was commenced in the Summer of 1807 and yet progressed not more than from fifty to Seventy Miles You must expect the Government will require a satisfactory report of the cause from which this extraordinary delay has originated. and for this purpose you have been called on repeatedly for a special report on the Subject. Be assured Sir it will afford me much satisfaction to find that your arrangements for supplying the Troops with Provision were judiciously made, and that the opening of a road from the Bay of St. Louis to intersect the Military road was best calculated to promote the Public Service, though none of the reasons which you have given for its commencement. from the evidence now before me are satisfactory. for I can discover no reason why either the Troops or their Supplies should pass by the way of Shieldsborough to the Military road and it appears evident to me that all the Sufferings and privations of the Troops has originated from a deviation from the System

of supplying them along the road they are cutting, and along which every detachment should have marched intended to reinforce the Party.

I sincerely regret that you have not sent an your report as required by the Order of my Adjt General that I might learn, what number of Troops are employed on the military road. I regret to find that in April & May there was not more than 80 Soldiers capable of performing labour. and this from the want of Shoes which which might have been drawn at any time from the Depot at New Orleans. and I still more regret for that on the 13th Inst. this small number of men should be in a State of Starvation, and for a Subsistence compelled to depredate on the cornfields of the Neighbouring Farmers, what has be come of the 30-000 Rations ordered on the 29th of May certainly transportation might have been procured for its conveyance up the military road before the 13th Inst. there must be neglect some where or a want of supplies would not have been experienced by this small detachment within 70 or eighty miles of New Orleans Untill I receive your promised report I shall give no other opinion than the one above stated with regard to the different routs you have mentioned for supplying the Troops but I hope some expeditious mode has been adopted for supplying their immediate wants, and that you have not depended on the experiment of the Chalhoola for their first supply. As soon as practicable I shall expect to receive from you a report, shewing the number of men at present employed on the military Road. what numbers there have been at different times since its commencement how many miles of the road is compleated, the time

you commenced the this road. and the number of men you have employed on it.

It is necessary that the utility of this road be plainly manifested. as it appears on the 12th Inst you ordered an additional force for its completion. in direct violation of my repeated Orders. directing all the disposable force to be employed on the Military Road

I am Sir
Very Respectfully
Your Obt Svt
(Signed) Andrew Jackson

Maj Genl Ripley
Comdg 8th M Dept
Bay St Louis

Head Quarters
Nashville 2d. Augt. 1819

Sir

I have the honour to transmit for your information the enclosed Documents

The Letters A and B will shew you ~~how~~ how injudicious and insufficient every arrangement has been made for supplying the Troops with Provision on the Military Road ~~with Provision~~ and completing the work in which they have been engaged

The letter (C) from Maj Fanning of the U.S Artillery. I am directed by the Comdg General to lay before you. and request your decision on the Subject to which it refers

The General bids me say to you that he does not believe that a doubt can exist with regard to the propriety and justice. of Maj Fannings claim to double Rations while commanding the Post of St. Marks and hopes by your early attention to it

justice may be rendered this Officer

I am Sir
Very Respectfully
your Obt. Servt.
R. K. Call
A. D. Camp

The Honble.
J. C. Calhoun
Secty. of War

Head quarters
Nashville 4th Augt. 1819

Sir

The within document is copyed from a Letter which I have just received from the Honl. George Poindexter of Mississippi; on examination should you find the points to which it relates correctly described, and that the passage of the Military Road through the Village of Columbus, will be consistent with the Public interest I would recommend the adoption of the Plans proposed by the Citizens of that Place. Provided the part of the Road which they have offered to cut be immediately completed, according to the instructions by which the Officer on that duty have been governed

I wish however no deviation from the course now pursued, unless by givin a different direction to the road at this Point the Public interest may be promoted, in determining this question it will be necessary to take into consideration the distance and Situation of the Country through which the road will pass, and the advantage of having thirty miles of the Road cut by the labour of the Citizens

You will be enabled to ascertain these facts from the Officer in command by whose report you will be governed

I am Sir
respectfully
your Obt. Servt.
(Signed) Andrew Jackson

Genl. Ripley
Comg. 8. M. D.
Bay St. Louis

Head Quarters
Nashville 4th Augt. 1819—

Dear Sir

I have just received your Letter of the 28th of July I regret that you have found so many obsticles to oppose you in preparing for our contemplated negociation with the Indians. but I flatter myself that your persevering industry will be successful. and that your next communication will inform me at what time the Chiefs will be prepared to meet us. The Point on the Yazoo river which you have designated as being most eligible for holding the Treaty meets my entire approbation. I shall hold my-self in readiness to join you at any time you may appoint

Col John McKee
Choctaw Agent } Yours Respectfully
(Signed) Andrew Jackson

Genl. Jackson to the Secty War
Head Qrs Sept. 7. 1819

Sir

I have the honor to acknowlege the recept of your letter of the 10 Ult with the enclosures

On the recept thereof I referred it to the Aptt Surgn General for his report thereon, shortly after I was attacked with my old complaint, with unusual violence which confined me to my bed, & from which I am just recovering much emaciated & debilitated, yesterday being the first day that I could set so long as to write even a short note; which will account to you for the delay attendant on my answer

I herewith enclose you the Aptt Surgeon Generals report, from which you will find that there never did exist such a division order as Doctr Gale refers to in his report

The order of the 21 of Augst 1816 was long previous to the present organization of the medical staff. That of the 18 of August 1818 was merely to change the reports required to be made to the Adjt Genl. offices, to that of the Asst. Surgeon General of my Division. These reports were intended for my own information as to the health of the army, and did not, as were intended to have any interference with the orders of the Surgeon General. From the orders required to be made to the Surg. General, I discovered that no report was ordered to be made to me; it was not only my duty, but all important for me to know, the state condition & health of my troops, & how the medical staff performed their duty that if neglect existed, a speedy remedy might be applied; for without the health of an army is preserved, it cannot be effective; and to have a knowledge of this fact, without intending in the least to interfere with the Surgeon generals department; was my alone object.

Your order directing the arrest of Col. King 4th Infantry came duly to hand, & has been promptly attended to, of which you have been advised by my Adjt. General. Genl. Gaines has communicated to me the recept of the orders to him on this subject, and of his prompt attention thereto. Will you permit me to remark, that the manner of the arrest of Col. King is I believe without precident: permitting subordinate officers charged with high military offences, under arrest, and a Court ordered for their trial, to prefer charges against their superior and to send them to you contrary to positive rules*: and at the same time, the trial of the subordinate to be suspended untill after the trial of the superior is had is to destroy all subordination in the army. This precedent may be insisted on in cases hereafter, & will produce the worst of consequences, exciting insubordinate officers

* Art. of war 34 & 1st sentence military correspondence page 55

in all like cases, to prefer charges against their superiors by way of revenge & to procrastinate their own fate

I have also the honor to acknowledge the recept of the Adjt & Inspector Generals letter of the 18th ult with its enclosures: before its recept Brig Genl. Bissell had been detailed on the Court for the trial of Col King. I have ordered him to join his regiment on the dissolution of this Court and duplicate orders are sent to him.

I expect to be compelled to prefer charges against genl. Ripley, which, if I do, will be laid before you for your consideration; when a detail of either a full Court from the Northern Division; or a president for the Court now detailed for the trial of Col King will be necessary as there is no officer in my Division of his grade that can preside. I cannot get a report from him on the subject of the military road; or how the troops are or have been employed

Respectfully &c &c &c

Hon. J. C. Calhoon (signed) A. Jackson
Sect of war

Head Quarters
Nashville 17th augst 1819.

Sir

I am directed by the Commanding General to forward for your information the enclosed Documents. The 1st marked No one is a copy of a letter from Maj Hogan Pay Master of the 4th Infy. Agreeable to the request of Maj Hogan it is the wish of the Commanding General, that he be brought to Trial on the charges prefered by Col. King as early as the good of the service will permit

The Second Document marked No 2 is a circular from

the war Department to which your immediate atten-tion is requested. and the Commanding General directs that you will adopt such measures in rela-tion as in your judgment will be best calculated to effect the object desired by the Secretary of war

I am Sir
Most Respectfully
Your Obt. Servt.
R K Call
A D Camp

Maj Genl.
E P Gaines
Charleston

Head Quarters
Nashville Augt. 17th 1819

Sir

I am directed by the commanding Genl. to forward to you the enclosed Circular of the Secretary of War and to recommend the adop-tion of such measures as in your judge-ment will be best calculated to effect the object which it contemplates.

Very respectfully
Your Obt. Servt.
R K Call
A D Camp

Maj General
Ripley
Shieldsboro

Head Quarters
Nashville Augt 17th 1819

Sir

I am directed by the Comdg General to acknowl-edge the receipt of your Letter of the 12th of June and to inform you that a Copy thereof has been forwarded to Maj General Gaines to organize a Court Martial for the investigation of the charg-es exhibited against you as early as the good of the Service will permit

Respectfully
yours
R K Call

Maj Thadd[illegible]

34

Head Quarters
Nashville August 19th 1819

Sir

The enclosed Documents in relation to the conduct of Col. Clemson ~~[illegible]~~ of the Commissary Department have been received from the Secretary of War, I am directed by the Comdg. General to transmit them to you, and request that you cause forthwith a Special report to be made on the subject, accompanied with evidence to prove the absence of Col. Clemson from his Post on the 28th of March the date of Lieut Pentlands Letter

This measure is deemed necessary as it will appear from the Letter of the Commissary General Mr. Irvine that every effort is made to paliate the misconduct of Col. Clemson by charging the Officers of the Army with with neglect of duty and a nonobservance of the regulations of the War Department.

There must be neglect some where and it is necessary to ascertain the Person to whom it is attributable. if the officers of the Army have violated the articles of war they are responsible to that Department. if they have not their reputation should not be tarnished with such a charge unsupported by evidence.

I am Sir
Very Respectfully
Your Obt Servt.
R K Call
A D Camp

Brigdr. Genl. Danl Bissell
U S Army
St Louis

Head Quarters
Nashville 25th Augt 1820

Sir

I have the honour to enclose to you the result of the deliberation of the Chocktaws on the subject of the proposed negociation for an exchange of Territory with that Nation.

I once entertained the most sanguine hope of bringing that nation to consent to meet us in council, and of effecting the object contemplated by the Government. the Letter from my confidential agent will shew you the ground on which my hopes were founded. There is no better man than Col. McKee, and I have no doubt ~~that~~ but he exercised his influence as far as his situation as Agent would permit. but in that capacity he could use no influence which as an honest man, he believed to be inconsistent with the interest of the Nation. I have always thought it improper to appoint an Agent a Commissioner to Treat with his own Tribe — I have also believed it improper to Treat with any Indian Tribe living within the limits of the U States and subordinate to their jurisdiction. The Legislative powers are competent to regulate every thing in relation to the Indians.

Policy alone introduced the custom of the American Nation Treating with its own subjects. This policy was right so long as the arm of Government was insufficient to carry into effect the legislative regulations. The American arm is now sufficiently strong to carry into effect any regulation which the wisdom — humanity and justice of its Government may adopt with regard to those unfortunate People, And it is now discovered that nothing can be done without corrupting their Chiefs. This is so inconsistent with the principles of our Government that it is high time the Legislature should exercise its functions. and pass all Laws for the regulation of the Indians. if they have too much land circumscribe them. furnish them with the means of agriculture. and you will thereby lay the foundation of their civilization by making them husbandmen, treat them

them humanely and Liberally but put an end to treating with them and obtaining their Country by corrupting their Chiefs which is the only way by which a Treaty can be obtained. I felt a gratitude to the State of Mississippi and at the joint solicitation of its delegates, was deter-mined to act as Commissioner if I could get the Nation assembled together. You will see the means adopted to effect this object they have failed, and I hope the Government will not impose on me the un-pleasant duty of holding an other Indian Treaty

But should another be attempted by the Govern-ment appoint but one commissioner, let him be a man well acquainted with Indians, let him go into the Nation give him the means and in three months he will obtain the cession of the whole Choctaw Country.

I enclose you a Copy of a letter I have written to General Ripley I see enough from the Papers, added to my knowledge of Spanish Depravity and Duplicity, to convince me that the Treaty will not be ratified, at the time it was made I believed it only intended to gain time under the possession of St. Marks and Barancas until Con-gress will probably throw light on my conjectures in the meantime I think it right to watch the movement of the Cadiz flotilla, and the time it is to sail in Septr. next, and to have some preparations made to meet it if intended to levy contributions on from New Orleans and Mobile an authority to call for volunteers and an establishment of a Depot for arms are necessary precautions, which I hope the Government will authorise.

The Hon

I am Sir Respectfully
your Obt Servt

J. C. Calhoun
Secy of War

(Signed) Andrew Jackson

Sir

The last intelligence received justifies the belief that the late Treaty between Spain and the U S will not be ratified. it may be necessary to watch with vigilance the Cadiz flotillas. you are charged with the defence of New Orleans and Mobile and will be held responsible for their safety.

Maj Genl
Ripley
Shields booked

Yours Respectfully
(Signed) Andrew Jackson

Head quarters
D. of the south

Nashville 8th Octr 1819

Sir

I have the pleasure to inclose for your information a communication from Col. Atkenson comdg 9th military department dated the 6th ult. marked No 1 with its inclosure marked No. 2 which is trust[ed]

The letter of Col. A. communicates the pleasing intelligence, that the Detachment under his command will surmount all difficulties & reach the council Bluffs in due season. — The inclosure gives the report of Major Biddle of the hostile conduct of a party of the Pawnee tribe — The prompt measure adopted by Col. Atkenson by "inhibiting all trade with that tribe till proper restitution is made", will I trust awaken & bring them to a sense of a proper and peacefull conduct towards the citizens of the U States hereafter and gives us a lasting peace with those Indians. —

Much credit is due to Col. Atkenson for the [illegible] evinced throughout this —

Campaign, and augurs well for his final success, and competency to command.

I have the Honor to be with due respect

yr mo. ob. servt,

(Signed) Andrew Jackson

The Honble
J. C. Calhoun
Sec of war—

Head Quarters
Nashville 7th Sept 1819—

Sir

I here with enclose you a letter which I have received from Maj James Morris of Kentucky the Sample of Gunpowder which he mentions having been forwarded to me by Doctor Boswell have been received. and by the experiments which I have made I find it to be of the most superior quality according to its respective numbers.

And Should you wish to contract for a supply for the use of Government. I can recommend it as being equal to any I have seen of the manufactory of the U States

The Hon
J C Calhoun
Sect of war

I am very Respectfully
your ob't Sert
(Signed) Andrew Jackson

compensation of one thousand dollars annually. I would further suggest the propriety of appointing an agent, in the place of Col McKee, who informed me he had resigned. Should an appointment be made for this office, I would recommend Col George Gibson, with whose merit you are well acquainted. In the event of the appointment not being accepted by Col Gibson, I know of no man who would discharge the duties of this station, with more fidelity than Majr Nicholas, who will resign his present appointment, so soon as his accounts are settled, and to whom the appointment of Agent would be very acceptable

I am Sir,

Very respectfully

yr Mo Obt Servt

(Signed) Andrew Jackson

Majr Genl Comdg

Beginning of letter pg 60?

The Honble

J. C. Calhoun

Secy of War

Division of the South

Head Quarters
Nashville Novr. 25th 1820

Sir,

There being no Quarter Master at this place, a number of small debts contracted for fuel, Quarters, Stationary, and transportation remain unpaid, and from the reports I find there is no officer in that Department within my Division, whom I can order, from the post assigned him, to this place, without manifest injury to the Service. I have therefore to suggest the propriety of directing the pay Master located at my Head Quarters, to perform the duties of Quarter Master, which will be too inconsiderable to interfere much with his other Official Duties.

Majr. Nicholas has mentioned to me his intention of retiring from his present situation in the army, and applied to me for an order to repair to Washington, for the purpose of settling his accounts; which order will be given, and he will probably leave this place on the 15th of next month. I would recommend Majr. Miles Mason, formerly of the Staff, as a proper person to fill the vacancy occasioned by the resignation of Majr. Nicholas, who I believe would discharge the duties of both Pay and Quarter master Departments, with fidelity and correctness. While under my command, I found him an efficient officer. He is a man of industry, system and arrangement, and if he will accept the appointment I do not believe it can be better filled. Should Majr. Mason not accept, Col Gadsen speaks favorably of Lieut Lambert of the Corps of Artillery, and requests me to recommend him for the appointment, should Majr. Mason decline its

acceptance.

Very Respectfully your
Most Obt servant
(Signed) Andrew Jackson

The Honble
J. C. Calhoun.
Secty of War

Division of the South } Head Quarters
Nashville Decr 8th 1820

Sir

Your letters of the 14th and 17th ultimo have been recd, with the report of Capt. Wetmore Paymaster of the 6th Infantry; all of which are duly noted.

I regret with yourself, that a milder course had not been pursued by Col. Chambers, towards the two deserters. I have no doubt, (as you express) but Col Chambers was actuated by the purest principles, and that he believed the course taken was the only one, by which Desertion could be effectually prevented. But the law positively forbids the infliction of corporeal punishment. The Legislative authority enacting, has limited our duties expressly, to the execution of the Law. As the act complained of has only come to your knowledge unofficially, and has long since been committed, I approve of your determination to await the orders of the Secy of War, and as you have not informed me whether you have made report of the case to the Secy of War, I shall enclose him an extract of your letter of the

17th, and also await his instructions. I have long since urged the propriety of the President of the U. States issuing a Genl order, prohibiting in all cases corporeal punishment from being awarded by Courts-Martial. This would put a stop to the difficulties which have heretofore attached to Courts, awarding corporeal or unusual punishments.

The report of Capt Wetmore, exhibiting the disposition of funds in his hands, is satisfactory, and from his good character, I have no doubt but the public mony in his care will be well applied, and the Troops punctually paid —

I am with great respect
Your Mo Obt Servant
(Signed) Andrew Jackson

Brig Genl Atkinson
Comdg 9th Mt Dept

Head Quarters
D. of the South

Nashville December 8th 1820

Sir

I have the honor herewith to enclose you Genl Atkinsons letter to me, of date 17th Novr 1820, relating to his investigation of the punishments inflicted on the soldiery under, and during his command. From his letter it appears, that two Deserters belonging to Col Chambers detachment, while ascending the Missouri, were cropped. That an officer of Col Chambers merit, should have sanctioned a mode of punishment directly contrary to law, is to be regretted. I feel assured however that his motives were pure, and

that nothing but his zeal to establish a proper subordination, could have induced him to over-step the bounds of the law —

As Genl Atkinson has not inform-me, whether he has made report of the case to you, and because of the circumstances attendending it, I have submitted his letter, and shall in the meantime await your instructions on the subject

I have the honor to be very respectfully
Yr. Mo Obt servant
(Signed) Andrew Jackson

The Honble
J. C. Calhoun
Secy. of War

Head Quarters
D. of the South } Nashville December 15th 1820

Sir

I am instructed by the Commanding Genl. to reply to your letter of the 30th ulto. which has been duly recieved and noticed.

The Genl, when he qualified the indulgence asked for, by the course which would be pursued towards the Florida's, felt assured of the zeal and readiness with which you would again enter the field, and was confident you would not leave your command, if the standard of the U. States was again to be reared in its neighbourhood. He merely intended to signify his willingness to grant the indulgence so soon as the object of the Government in relation to the Flord. is known, and if the result be a peaceable possession: But if on the contrary, the result be a forcible possession, then your sense

of duty as well as inclination will detain you until active operations cease.

With regard to the transfer spoken of, the Genl can only say that he will indulge you in any arrangement, that Genl Atkinson and yourself may purpose, if the Secty of war gives his approbation thereto.

You say that "the Detachment on the Sabine cannot render any services or be of any earthly use to their country at that place", and that it incurs both expense and trouble. Under these circumstances, the Genl authorises you to use a sound discretion, and order it to join its company near Natchitoches, or to make whatever disposition of it, a proper regard for the public good may sanction —

I have the honor to be very respectfy
yr. Obt servant
Andrew J. Donelson
Aid de Camp

D. Bissell
Brig Genl
Commg 8th My Dept.

Division of the South } Head Quarters Nashville
December 8th 1820

Sir

Enclosed is the memorandum of Alex Hamilton, who lives in the Choctaw nation, is one eighth Indian and was formerly a Lieut in the United States Army. Mr Hamilton is poor, and has offered this memorandum of facts, with a hope that Government will not withhold from him that compensation for his services, which is just and was allowed to others in similar service, and which he thinks is withheld from him.

This is respectfully submitted to your consideration as a ground of enquiry into the truths of the facts mentioned.

I am Sir with great respect
Y. m Obt servant
(Signed) Andrew Jackson

The Honble
J. C Calhoun
Secy of War

Division of the South } Head Quarters Nashville
December 20th 1820

Sir

I am directed by the Comondg Genl, to notify you that the instructions given to you in my letter of the 18th inst in relation to the removal of the Detachment on the Sabine river are hereby changed, and if you shall have issued an order previous to the receipt of this removing the Detachment, you will immediately suspend its execution, and continue the Detachment on the

Sabine until a change be made in compliance with the enclosed instructions from the Secy of War to Genl Jackson —

Govr J Villeré represents the extensive Parish of Natchitoches as thinly populated on its frontier, and without an adequate regular force to protect against the invasions that may be attempted by the Spaniards or by the Indians with whom they may associate or enlist against us in the surrounding country, and in order to ensure security to the Parish and deprive the Spaniards of the power of disturbing us with the Indians, he has suggested to the President the propriety of building and garrisoning a small Fort on the Sabine river. This suggestion has induced the instructions enclosed.

In order to effect the object of the Secy of War, the Genl, directs that you report to him as soon as possible the strength and situation of the Detachment on the Sabine and the company at Natchitoches, and that you despatch a confidential officer to explore and select a suitable spot on or near the Sabine for the erection of a Fort and with instructions to report to you whether the Garrison at Natchitoches would not afford equal protection to the Frontier being advanced to or near the Sabine river —

I am Sir very respy,
Y. Mo Obt servant

Andrew J Donelson
Aid de Camp

D Bissell Brig Genl
Comdy 8th My Depty

Division of the South } Head Quarters, Nashville December 21st 1820

Sir

Yours of the 25th ulto, is just recd with its enclosures; I have duly noted the contents and ordered Brigadier Genl D. Bissell by a confidential officer, to have a site for a Fortification on the Sabine selected and the country explored, and to report to me whether all the protection now afforded to the frontier by the Garrison at Natchitoches, cannot be equally secured by advancing the Garrison at Nats to a point on or near the Sabine river.

There cannot exist any serious apprehension of an invasion of the Spaniards in that quarter whatever may be apprehended from their exciting the Indians to depredation on our frontier; and (as I believe) the only thing to be guarded against in that quarter, is Indian depredation.

If we do not possess the Floridas, I have supposed we would take possession of Texas and extend our Garrisons to our Territorial limits; by which means we would overawe the Indians under Spanish influence, and form a cordon of Posts from the Mandan Village southwest to the Rio Grand or Del Norte, or at least as far West as Galvestown and direct to the Mandan Village. This I should suppose, (if our Treaty with Spain is not ratified and we abandon the possession of the Floridas, and continue our claim over the Texas) would be a thing necessarily following the abandonment of the principles contained in our Treaty with Spain.— I am must confess that I am one of those who believed and still believes, that our treaty with Spain as it respected our limits and the possession of the Floridas, was a good one. Texas for the present we can well do without. But without the Florida's our lower country

cannot be made secure, and our Navy cannot afford protection to it in time of War. The idea of invading our country through the province of Texas, is to me absurd. Should it be attempted, a vigilant Genl with a competent force and transportation concentrated at New Orleans, could cut the Invaders in the rear and destroy or capture the whole. No Military man would hazard such a step with a view to conquer New Orleans — one fourth his force in his front could bury him in the passes and defiles through which he would be compelled to advance. I therefore never had any apprehensions of an invasion from that Quarter; but still have ordered the enquiry and a topographical view of the country, and as soon as I receive the report I shall act on the subject, and make report thereof to you. Should we not have use for our military forces to occupy the Floridas, a Garrison on or near the Sabine will be useful to keep down the spirit of the hostile Indians.

I contemplate either visiting the Posts in my Division this Spring, or causing my Aid de Camp, Lt Donelson of the Engineer Corps to do so, and report to me their condition.

I wrote you some time since, on the subject of obtaining a warrant for Daniel S Donelson to enter the Military Academy. I see that attempts will be made by some of the members of Congress, to put it down. These cannot be the sentiments of any who really wish us an independent nation — and I have always thought that they originated with members riding the little pony of popularity, or with fools who really did not understand the first principles of our Government. I see it is alledged that the wealthy alone have been instructed at West Point

; so far as the youths from this state have been admitted this is not true, and as it respects the young Gentleman I have named, he is an orphan and without means of his own to finish his education. I wish him to finish his education at the Military academy. He is a fine material for a military man — large, portly, and a good constitution — If he cannot be admitted, I wish to know it, that I may send him to Yale College —

I am Sir, very respectfully
Yr. mo obt servant.
(Signed) Andrew Jackson

The Honble
J. C. Calhoun
Secy. of War

Division of the South } Head Quarters Nashville January 2nd 1821

Sir

I send herewith a copy of a letter from the District Attorney at Savannah, and one from the Secty of War, on the subject of the attendance of Witnesses to give testimony against certain prisoners arrested for trespassing on the Cherokee lands —

The officers of the Army who executed the orders of the Dept. of War, are removed to such distant stations, that they could not receive my orders and reach Savannah by the sitting of the next Court. I have therefore to request you to use your best efforts to induce Mr Williams to attend and give testimony — It is highly probable he is the only witness whose attendance can be procured —

Very respectfully I have the honor to be
Yr. Mo. obt. Servt.
(Signed) Andrew Jackson

Col. R. Meiggs
Agent for the Cherokees

Division of the South } Head Quarters Nashville January 21th 1821

Sir

I have just received your report on the reduction of the Army conformably to a circular of Congress of May last, accompanied by your polite note of the 16th ultimo; for which receive my thanks.

I have read your report with great attention and much pleasure, and am happy to find it not only realizing my own expectations and that of your friends, but also those of every description of character here. Since its appearance the enemies of the army are dumb. It has given to the army a character and importance which I have no doubt will convince every mind wishing our prosperity and independence as a nation, that we cannot be secure without an army organized as you have proposed. It is calculated for peace. It is a good basis to build on in war. In it there is system and stability, and in the alternate change from war to peace, the system remains stable and entire. Had such a system existed at the commencement of the late War, thousands of men and millions of treasure would have been saved to the nation. Canada would have been ours, and we would not have met disaster, disgrace and defeat. Our national character would not have been humbled and disgraced by the capture of our Capitol. I think it will silence the little members of Congress who have the reduction of the army their riding horse for some years.

This able system the result of your labours, has raised a debt of gratitude upon your country, which I trust it will soon repay ——

I have the honor to be Very Respy.

Yr. mo obt. servant

(Signed) Andrew Jackson

the Honble
J. C. Calhoun }
Secy of War

Chestatee River
Cherokee Nation 19th Augt 18[illegible]

Sir

The commanding General directs you will order a detachment of U States Troops, forthwith to remove all intruders from the Creek Nation. The Strength of the Detachment thus employed will be left to your own discretion. An enterprising inteligent Officer will be required to command this expedition; whoes duty it will be to destroy all improvements made by intruders; to arrest all white men found as residents in the Creek Nation not having a permit from the Agent, and with their Stock of every description, they will be delivered to the Marshal of the State within whoes Teritorial limits such arrest shall be made.

Where the men are arrested, their families will be conducted across the Indian Boundary and while in the custody of the Military, they will be treated with every care and attention, and from the property taken from the Husband, a competant support will be left for the wife and children.

By Order
R K Call
Aid-de-Camp

Maj Genl E P Gaines

Maj General Jackson to the Secretary of War

Division of the South

Head Quarters
Nashville 15th Septr 1820

Sir

I returned yesterday on my mission to the Choctaw Nation, and met with Capt R K Call on his return from performing the duties assigned him in the Cherokee Nation. I have directed him to make a report to you which, when received I hope truly will be satisfactory; and will shew that notwithstanding the duties, he had to performe were arduous, and delicate, that they have been executed with both judgement, and prudence and much to the interest of the Cherokee Nation and will have the effect in future of preventing the infractions of our Treaties with that Nation.

I enclose for your information a report of Maj Cary Nicholas, Batalion Pay Master on the subject of the depreciated state of the funds ~~in~~ received to meet his estimate for May and June current.

You will see that the draft is on the Nashville Bank which only pays paper, which is at 12 or 15 percent below specie value. and the specie value of this paper is declining daily as well as ~~to~~ all other paper of the Banks of this State, in consequence of the establish=ment of a Bank by the last Session of our Legislature, with three Millions of paper without one dollar of specie for its basis. added to this it is uncurrent, and that report has gained currency, that the

Secretary of the Treasury has issued orders that no bills of the State of Tennessee shall be received in payment of public lands, and that this order has reached the receiver of Public moneys at Huntsville. this if true will give a stroke to the credit of our Bank paper and reduce its value, as it will ~~reduce~~ prevent its ~~circul~~ circulation in Alabama. It is unaccountable to me under these circumstancies, how it should happen that the Secretary of the Treasury has directed the paper of a non Specia paying Bank, to be placed in the hands of the Pay=master to pay the debts of the Government when by his direction the Agents of Govern=ment will not receive it in discharge of debts due to it. The Officers of Government here will not receive it in discharge of the debts due them as pay, and will be under the neces=sity of forwarding their accounts and receipts to the paymaster at Washington for pay=ment. Eastern Notes command a premium here of from twenty to twenty five per cent in exchange for the paper of the Nashville Bank

Yours Respectfully
Signed Andrew Jackson
Maj Genl comg

The Hon, J C Calhoun
Secretary of War

Capt. Call to General Bissell

Chocktaw Treaty Ground
20th October 1820

Sir

I am directed by the commanding General to acknowledge the receipt of your several letters of the 1st of September and reply thereto.

With every disposition to afford the indulgence which you request, it is out of the Generals power to grant you leave of absence from your Department, until it is ascertained, whether or not, the Government will order the occupation of Florida, during the present winter. Should a Campaign be prosecuted in this Country your Services will be required in the field. Should it be otherways you will be indulged with a Furlough.

Relative to an exchange of commands, General Jackson will be perfectly satisfied with any arrangement, which you and General Atkinson, may make on the subject provided. Your exchange of Departments will meet the approbation of the war Department.

I have the honour to be
Very Respectfully
Your Obt Servt
R K Call
Aid-de-Camp

Brigd Genl
Danl Bissell
Comg 8th Mil Dept

Division of the South

Head Quarters
Nashville Novr. 11th 1820

Sir

I am directed by the Comdg Genl to acknowledge the receipt of your several letters of the 21st of August and 1st of Septr, which owing to the absence of the Genl, (who for some time past was engaged in holding a Treaty with the Choctaw Indians) was not received until a few days since.

The Genl regrets the unfriendly disposition evinced by the Indians in the neighbourhood of your command, and approves of the measures which you have adopted in order to ascertain the Tribe to which the Murderers belong. In the prosecution of this enquiry however the greatest caution and vigilance is recommended. The Genl has the utmost confidence in your discretion and energy, and feels well assured that every effort in your power will be made to arrest and cause to be inflicted on the offenders the most exemplary punishment. Should it be ascertained as you conjecture, that the Indians have been excited to murder and robbery, by British agents or traders, you will have those instigators arrested at all hazards.

I have the honor to be yrs
very Rst
R. K. Call
A d Camp

Brigr Genl
H. Atkinson
Comdg 9th M. Dept
St Louis

Division of the South } Head Quarters
Nashville Novr 13th 182

Sir

I reached this place on the 10th greatly indisposed, with a severe cold which fell upon my lungs, produced a severe cough, spitting of blood, violent pain in left breast and shoulder, which rendered me incapable of business until this day —

Mr Overton Secy of the Commissioners appointed to hold a treaty with the Choctaw Indians, in consequence thereof has been detained a few days, in proceeding with the treaty to the City of Washington and handing it to you. Mr Overton will leave this in the first mail stage, and proceed direct to Washington. I have advanced to meet his expences one hundred and fifty Dollars, and trust when he reaches you that in the settlement of his account, he will receive the usual allowance in like cases heretofore allowed. I beg leave to make him known to you as a young gentleman of great modesty, sterling worth and fine talents, and to whom I refer you for information on all points relating to the Choctaw treaty

From the journal you will find the amount of public money remaining in my hands. I am anxious to have this amount closed whilst Mr Overton is at the city, and as soon as possible to receive your instructions to whom I shall transfer the balance in my hands

I cannot omit bringing to view the conduct of the Choctaw factor Mr Hersey. I trust his conduct will be noticed by the Government, and he removed from his situation as factor — I enclose you the certificate of Mr E Duggan, a gentleman who accompanied Genl Hinds to the treaty and remained

there throughout the negotiation, and a man represented to me as a Gentleman of truth and respectability — It speaks a volume. In addition to this I have to remark that this same Mr Horsey, wrote a very long letter to Majr Pitchlyn United States interpreter, with a request that he would at read it to the chiefs of the Choctaw nation when assembled. Majr Pitchlyn believing that the conduct of this man in writing this letter was improper, produced this letter to Genl Hinds and myself for our perusal, we find the whole object of this man was to mislead the Indians, and thwart the views of Government, and prevent them from treating, we directed him not to read and interpret this letter to the chiefs, which he obeyed. Mr Horsey arrived at the treaty ground the day after the treaty was signed, I gave him a lecture, and informed him I should write you on the subject of his conduct, and I had no doubt but you would remove him. He professes religion, but as I believe without possessing it, and I am sure is doing no good but much evil. He must be one of those itinerant Yankees, who are endeavoring to poison the minds of our slaves, as well as the Indians, and who never ought to be entrusted with an office in a southern climate.

In the treaty it is stipulated, that those Indians who served with me at Pensacola in 1814, should receive the ballance of the pay due them deducting the clothing recd. When you refer to the papers accompanying the treaty on this subject, it will be found from the certificate of Majr Bliss, what clothing has actually been delivered, to which I beg leave to refer you

I have recd several letters from you since my return, but my health prevents me at present from answering them, they will claim my earli-

-ent attention.

Col^o Gadsden since I commenced this letter has reached me, and gives the pleasing in-telligence of your health being perfectly regained by your visit to the north

Accept assurances of my respect and esteem

(signed) Andrew Jackson

The Honble J. C. Calhoun }
Sec^y of War }

Division of }
the South }

Head Quarters
Nashville Novr 19th 1820

Sir

Having been absent for some time on pub-lic business, your letter of the 3^d of Septr was not rec^d until a few days since.

With extreme regret I have been informed of the distressed situation of the Garrison which you com-mand, and particularly of the melancholy death of Lt Minton, his merit was known to the army, and his loss must be lamented by all who knew him

The sickly season is now so far advanced I presume the health of your command will have been restored, before any arrangement made for its relief could be carried into effect, and it is believed in a few months the Government will order a change in the present disposition of the troops on our Southern border. As soon as practicable, your command shall be removed to the Department to which it belongs, and relieved from the existing embarrassments with which they are oppressed. You will evidently be removed before the return of the

unhealthy season, and in the mean time I shall approve of the establishment of a temporary hospital, at any point which you, by the permission of Genl Gaines may select

Col Lindsay with the staff of his Battalion, has repaired to Mobile from whence you will receive his instructions

I am very respt
y. obt servant
(Signed) Andrew Jackson

Maj A. C. W. Fanning
Corps of Arty

Division of the South } Head Quarters
Nashville Novr 13. 1820

Sir

I enclose you herewith a copy of a letter from Lieut. N. T. I. Dyer, of the 1st Regt of Infantry. The subject to which it relates is respectfully submitted, to your consideration, and your attention thereto requested

Yrs Respectfully
(Signed) Andrew Jackson

Brig Genl
Danl Bissell

Division of the South }

Head Quarters
Nashville Novr. 30th 1820

Sir

Your letter of the 25th of October enclosing a copy of a communication from Mr. Graham, bearing date 14th August 1817, was received on the 12th instant, and should have been immediately replied to had I not been prevented by indisposition.

When I gave the order to Capt Call to seize and deliver over to the civil authority, all persons (with their stock of every kind) found tresspassing on the Indian land: I had before me the communication above referred to. I had positive testimony, that the Intruders and persons on the frontier were in the habit of driving large herds of cattle far in to the Indian Country, and salting them on the Ground; by which means they would become attached to the place, and if you drove them off they would immediately return to the place where they had been salted. There was no method left by which the Treaty and intercourse laws for the protection of the Indians could be carried into effect, without considering those who drove stock on the Indian land as having committed a trespass, and seizing the stock thus driven damage feasant, and deliver them as such to the civil authority. For it would be a useless waste of time to drive off the stock from the Indian land, that would forthwith return. Three times I had the stock of intruders driven from the Cherokee land North of Tennessee river, their houses and improvements destroyed. But this availed nothing, the Troops would no sooner leave the country, than the Intruders would return. I then ordered the persons and property

of all intruders to be seized and delivered to the civil authority, to be dealt with according to Law. This was executed, and the stock sold by the marshall at Nashville. After which intrusion ceased in that quarter. And I trust the late proceedings on the Georgia frontier, will have the same effect, and I am strongly impressed with a belief that this proceeding can be supported on principles of law and sound policy, notwithstanding the Statute law is silent as to the mode of proceeding. The Treaty and Intercourse laws make, the driving of stock on the Indian land, a trespass, and surely when a crime is committed against positive law, it implies that there is a mode of punishment for that crime, and with due submission, I would suppose that Jurisdiction if not expressed must be implied, to punish a crime expressly declared to be such, both by Treaty and the Intercourse laws; and that the Judges of the Federal Court would sustain Jurisdiction of such crime, in all cases where the proof was positive of the trespass being committed, and the person who committed the offence could not be taken. But Sir, in the present case I am of your opinion, as the property is now in the hands of the civil authority, and the Marshall has receipted for it, there is no necessity for our interferance.

Your several letters of the 2d and 14th of Octr. and that of the 6th instant have been recd, and their contents duely noted. It afforded me much pleasure to learn that my conduct in discharging the Deserters taken in the Choctaw nation, has been approved. Nothing but the advantages which I calculated on receiving from the act, could have induced me to have established so dangerous a precedent.

I enclose for your information the report of Judge Advocate Hayne, and the proceedings of a Court Martial held in the 8th Military Department.

I approve of his views on the subject, and would be gratified to receive your opinion and instructions thereon. Permit me again to suggest to you the propriety of the President of the U. States through you, giving a General order on the subject of corporal punishment.

I enclose for your information an extract of a letter from Mr Eden Brashears, who has acted as subagent to the Choctaw nation in the absence of Colo McKee, and request your early attention to the subject to which it relates. I think it important, as soon as the Treaty is ratified, that the line designating the new Indian boundary should be established, and a road opened from Columbus on the military road to intersect that leading to Natchez at a point near the present agency, which will shorten the distance from Nashville to Natchez near one hundred miles, and will offer a great facility in carrying the Mail.

The appointment of a special agent to go with and collect, and settle down the emigrant Choctaws within the limits assigned them by treaty, and to explain to the adjacent tribes, the views of Government in locating them there may have a happy effect. Should Mr Brashears be appointed a Commissioner to establish the Choctaw Boundary west of Mississippi, he might be instructed to give the necessary explanations of the views and intentions of Government. He is a man in whom confidence may be reposed. But for collecting the Indians beyond the Mississippi, I would again recommend, Edmund Hulsome Linguist to the Six Towns. He is honest and faithful, and if appointed will take with him the greater number of the Six Towns Indians, and he will undertake this duty for the

(A)

General Staff

One Major General. Commander in chief Head Quarters. Washington City —

Two Aids de camp — to be taken from the line of the Army & not confined to any grade —

1 Adjt & Insp General — Rank Brigr General

1 Chief of Engineers — Do Do

1 Chief of Artillery and Commissary Genl of Ordnance } Do Do

1 Qur Master General — Do — Do

1 Commissary Genl Subsistence — Do Do

1 Brig Genl Subsistence Comdg So. Division

1 Do Do Do No. Do

1 Surgeon General ——

2 Asst Adjutant Generals rank Majors — } one to each Division

2 Asst Inspector Generals Rank Majors — } Do Do

Medical Department

2 Asst Surgeon Generals one to each Division and as many Post Surgeons as the service may require

Engineer Department

Chief of Engineers Brig Genl.

Engineer Corps	Topographical Corps
1 Colonel	1 Colonel
1 Lt Colonel	1 Lt Colonel
2 Majors	1 Major
10 Captains	6 Captains
8 1st Lieutenants	4 1st Lieutenants
6 2d Do	2 2d Do

Quartermasters Department

Quartermaster General

2 Dep^t. Q^r Masters one to each Division Rank Majors
As many ass^t Dep^t Qu^r Masters with the rank of Captains
as the service may require

The Officers of the Q^r Master & Commissary Dep^t.,
to belong exclusively to these departments,
& not to be taken from the line of the Army

Line of the

War Establishment

	Total in Reg^t	
	Officers including Surgeons & Surg^s mates	Men including Non Commissioned Officers
1 Reg^t of Light Artillery —— Col^o 1, L^t. Col^o 1, Maj^rs 2, Q^r Masters* 1, Adj^t.* 1, Pay. masters 1 Surgeon 1, Surgeon Mates 2, Serg^t Maj^r 1, Q^r Mas^t. Sergeant 1	50	764
2 Principal Musicians ——		
Component part of Company Capt. 1, 1^t Lieu^t. 1, 2^d. Lieu^t 2, Sergeants 4 Corporals 4, Music 2, Artificers 8, Matrosses 52		
2 Reg^t Artillery Col^o 1, Lt Col^o 1, Maj^rs 2, Adj^t 1, Q^r Mas^t. 1, P. Masters 1 Serg^t Maj^r 1, Q^r Master Sergeant 1, Prin Musicians 2	114	2368
Component Part of Company Capt 1, 1^t Lieu^t 2, 2^d Lieu^t 2, Sergeants 5 Qu^r Master Sergeant 1, Corporals 8, Musicians 4, Privates 100		

* transpose *

Commissariats Department

Comt General

2 Dept Comt Generals 1 to each Division rank Majors as many asst Dept Comts as the service may require with the rank of Captains

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the Army

Peace Establishment, agreeably to the resolve of Congress reducing the army to 6000 men

	Total officers including Surgeons	Total Privates including non. Com. officers
1st Regt Light Artillery		
Col 1, Lt Col 1, Major 1, Qr Master 1, Adjt 1, Pay Master 1		
Surgeon 1, Surgeon's Mates 1, Sergt Major 1, Qr Mast Sergt 1	38	624
2 Principal Musicians		
Component part of Company		
Capt 1, 1st Lieut 1, 2d Lieut 1, Sergeants 4		
Corporals 4, Music 2, Artificers 4, Matrosses 48		
2 Regt Artillery	70	1328
Col 1, Lt Col 1, Majr 1, Adjt 1, Qr Mast 1, P. Master 1		
Sergt Major 1, Quart Master Sergt 1, Musicians 2		
Component part of Company		
Capt 1, 1st Lieut 1, 2d Lieut 1, Sergeants 4, Corporals 4		
Music 2, Privates 56		

Continued on

War Establishment

6th Regts of Infantry

Col. 1, Lt Col. 1, Majr 2, Adjt 1, Q. Mar 1, P. Mast 1, Surgeon 1, Surgeons Mates 2, Sergt Major 1, Q. Mast Sergt 1, 2 Principal Musicians	360	7044
Component part of Company: Capt 1, 1st Lieut 1, 2nd Lieut 1, Ensign 1, Sergeants 5, Corporals 8, Musicians 4, Privates 100		
1st Regt Rifle, organised as Infantry which will give	60	1174
Total	580	11.350

The above plan is respectfully submitted

(Signed) Andrew Jackson

6th Regt of Infantry

Col 1, Lt Col 1, Major 1, Adjt 1, Qr Mas 1, Pay Mas 1, Surgeon 1, Surgeons Mate 1, Sergt Major 1, Q Mas Sergt 1, Principal Musicians 2, Component part of company Capt 1, 1st Lieut 1, 2nd Lieut 1, Searjt 4, Corporals 4, Musicians 2, Privates 48	228	3504
1st Regt Rifle — Reduced as the Infantry — will give	38	584
Total	374	6040

Head Quarters
D. of the South
Nashville August 12th 1820

Sir

Last evening by corporal Zimmerman & soldier I received your letter of the 4th instant advising me of your progress, & that you had made a requisition and forwarded it to Lt M. T. Massey A. Q. Master in the corps of artillery for the sum of one thousand dollars, and that you expected to reach the Tennessee river by the last of the present month & requiring further instructions.

Lt Massey as Quartermaster was instructed to forward to you the necessary funds for the support of the small detachment you had with you, to enable you to complete the repairs of the road as ordered: a calculation was made of the probable expense that would be incurred, which was ordered to be forwarded, and which I did suppose had reached you; & Lt Massey instructed, if the estimate fell short, that the necessary funds should be transmitted to you; as Corporal Zimmerman informs me he was the bearer of your letter to Lt. Massey, and the Lt has not wrote me on the subject, I presume that Lt Massey has forwarded to you, the funds deemed necessary to enable you to complete the duty assigned to you —

Lt Dumas has marched with his detachment to join you — He was instructed as he progressed to shrub the road & repair the causeways & bridges north of the Tennessee. I expect he will meet you South of the T. River; As soon as you compleat the repairs ordered to be made on the military road, you will make report thereof to me at Nashville and proceed forthwith to join your regiment, as

it is understood you have a boat ready at Columbus for the transportation of your detachment, you will return there and transport your detachment by water. Lt Graham under the command of Capt Call was when last heard from, on the Chatahouche river, it is expected that Capt Call will complete this duty by the 20th instant, when Lt. Graham will be ordered to join you, & I hope in time to descend the Tombec-bee river with you — I am with due respect

your Obt Servant

signed Andrew Jackson

Capt R. Humphreys

8th U.S. Infy, On detachment,

Division of the South,

Head Quarters, Nashville, August 18th 1820.

Sir

I have just recd. yours of the 26th ult. with its inclosures. By an order from the Depart-ment of War, of the 19th of June last, I was required to order a reinforcement of two companies to Baton Rouge. I instructed the Adjutant Genl. of Division to give you an order accordingly, which I have no doubt you have received ere this, as it must have left Nashville the 18th or 19th of June last, if not earlier. This requisition being from the Secy. of War, must be promptly complied with, however injurious to the health of the troops, until it is rescinded. However, I agree with you, that humanity and good policy, would dictate the propriety of keeping the troops out of the swamps at this sickly season of the year. However, Capt. Jones has made such representations

to the Dept. of War, that has induced the order; and if you have not reinforced Batton Rouge with the two companies ordered, you will, on the recept. of this, forthwith order it, and see that it is promptly enforced.

I am, Sir, with due respect,
Yr. mo. Ob. Servt.
(Signed) Andrew Jackson,
Maj. Genl. Comdg.

Brevet Genl. D. Bissell,
Comdg. 8th M. Department, St. Louis.

Division of the South
Head Quarters. Nashville Augt 17th 1820
Sir

I have the pleasure to acknowledge the receipt of your letter of the 24th ult. in answer to mine of the 8th and 9th of June last. It affords me great pleasure to find that my arrange-ments to keep seperate the men detailed and placed under the Orders of the Superintendant of the works at Batton Rouge, and those under the orders of the Comdg officer of the Post are approved. I have no doubt but it will produce harmony and pre-vent difficulties in future.

From the last accounts from Captain Call all was progressing well, and altho' opposition was threatened, and numbers collected for that purpose, they dispersed at his approach. On the receipt of your letter on the subject of the tres-pass on the Creek frontier bordering on Georgia and finding that the [illegible] detachment of U S Troops under Capt Call would be necessary to progress with the Cherokee Light Horse to keep opposition down I ordered a detachment to the

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furnished by Brevette Maj. Genl. Gaines, forthwith to be marched to remove intruders from the Creek Lands on the Georgia Frontier, and transmitted a copy of your letter that the indulgence to those decreed by the Sub. Agent, on their giving Bond and Security to remove and desist from Trespassing on the Creek Lands as soon as their Crops were secured and to destroy all improvements thereon if the Land should not be ceded by the Creeks at the contemplated treaty — I have read with attention the Instructions given by you to Govr. McMinn 1820 Genl. Clarke Mr. Larris and Majr. Bradford and shall at an early day write the Cherokees on the Arkansas and explain to them the good faith with which the Government has acted towards them. If any default has taken place in the Agents of the Government in carrying into effect the liberal and humane wishes, it will be discovered. I assured their Agent John Rogers, that their Father the President I was convinced had furnished the necessary funds to carry the Treaty into effect in good faith, and if any defaults had taken place it must be in the Agents.

Captain Easter will proceed to Washington as soon as he is able to travel he has been very ill with an inflamatory Rheumatism so that his life was dispaired of. he is again upon his legs and I hope will be able to travel shortly, the situation of his public accounts has given me great pain, until the recd. of your letter this Spring I was confident he was able to settle his accounts at any time. he assures me that he will be able to shew that if imprudent he has sustained his

tion and reputation without blemish. I hope and trust this is the case. he is an amiable young man and one for whom I have the warmest attach=ment. But sir you can judge of my feelings when you discover what care I have taken that neither myself or staff should be for one moment a public defaulter. I hope and trust he will be able to satisfy you of at least the purity of his intentions and if in arrears I hope he will be able to secure the Government in any balance that may be due and be able to meet it at a short day. and I trust that when the Government finds him honest and honorable every indulgence will be granted that may comport with the powers and duty of the Agents of the Government

I am Sir, with due Respect
your mo. ob. Servt.
(signed) Andrew Jackson
Maj. Genl. Comdg

The Honble.
John C. Calhoun —
Secty. of War —

Division of the South
Head Quarters, Nashville August 24th, 1820

Sir

On last evening, I recd. a a letter from Capt. R. Humphreys, of 8th U. States Infantry on Detachment, in which he states to me, "That he has not recd. from you the funds drafted for on Lt. Massey, as contemplated in the Genl's letter, under date of the 12th Instant; and he further states, he is destitute of funds. — the following is an extract of my letter to him of the 12th Instant — "Lt. Massey, as Quartermaster, was instructed to forward to you the necessary funds for the support of the small detachment you had with you,

to enable you to compleat the repairs of the road as advised, a calculation was made of the probable expenses that would be incurred, which was ordered to be forwarded, and which I did suppose had reached you, and Lt. Massey instructed, if the estimate fell short, that the necessary funds should be transmitted to you. As Corporal Zimmerman me he was the bearer of a letter to Lt. Massey, and the Lt. has not wrote me on the subject, I presume that Lt. Massey has forwarded to you the funds deemed necessary to enable you to complete the duty assigned to you."

I wish you to inform me what sum you have advanced to Capt. Humphreys; whether you have given him any additional sum over the estimate that was made in Nashville, and which you were directed to forward to him — and if Capt. Humphreys has forwarded to you an estimate of the expence incurred in complying with the last order, please to transmit it.

If the actual expence of Capt. Humphreys and his Detachment has exceeded the estimate we made in Nashville, you will, in that case, advance him a further sum, to cover the real expence incurred in complying with my last order, of shrubbing the road and repairing the causeways — but only the sum that will cover the actual expence, and enable the Capt. with his Detachment, to return to Columbus and unite with his Regt.

From the smallness of this Detachment, there cannot be much expence — But whatever it is, it is necessary that it should be met, and the accounts closed. You will therefore, please to advance Capt. Humphreys, on his estimate, a sum that will cover the actual expence incurred, and enable him to

march his men back to Columbus, on the Tombeckbee River, where my order took them from, it being presumed, as the Detachment was about to sail for Mobile, that funds and means of transportation were there prepared. I am, with due respect

Y. mo. Obt. Servt.

(Signed) Andrew Jackson

Lt. M. T. Massey, B. Q. M.
Corps of Artillery.

Division of the South,
Head Quarters, Nashville, August 24th, 1820.

Sir,

Yours of the 20th Instant reached me yesterday; and I regret to learn, that the necessary funds for the expence of your Detachment, in performing the duty assigned you, has not been furnished you by Lt. Massey. I also regret, that you have not named to me the reasons given by Lt. Massey for not making the advance to you, that I might have judged of their force, and ordered accordingly. All necessary expences incurred by you and the Detachment under your command, in performing the duty in obedience to my order will, and must be paid. The amount of expences for such a small Detachment, for so short a time, cannot be great. I had an estimate made of the probable expence of your Detachment, and that of Lt. Graham, which I directed to be forwarded to you and Lt. Graham. If this has has not been done, or if the necessary expences have exceeded that estimate, the excess, as well as the sum estimated that would cover the expence will be ordered to be forwarded to you by Lt. Massey.

I have no doubt but Lt Massey will furnish you with the necessary funds to cover the expense incurred, in performing the duty assigned you under my last order, upon presenting him with an estimate of the expense incurred; and what will be necessary to march your Detachment back to Columbus, or the Tombeckbee river, on producing to him this letter.

I am happy to learn from your letter, that you will complete the repairs ordered, in all the present week. When this is done, you will take up your return march to Columbus, and when you reach that place, if you should find the Tombeckbee River (as you informed me you are ordered) too low to descend with your boat, you are left at liberty to select the most cheap, healthy and speedy mode and route to unite with your Regt. But you will take care, that the public property be placed in such a situation, that no loss or waste of this property will be sustained by the Government.

I have no intelligence from Capt Call since I last wrote you, but still hope Lt Graham's Detachment will be able to unite with you before you leave Columbus.

I write to Lt Massey by tomorrow's mail.

I am, Sir, with due respect,

Yr Mo. Ob. Servt.

(Signed.) Andrew Jackson

Capt R Humphries

8th U. States Infantry

On Detachment

Division of the South
Head Quarters Nashville Sept 2nd 18

Sir

I have just received the enclosed letter from John Rogers the deputy from the Arkansa Cherokees, to the cherokees on Tennessee River now there, and hasten to lay it before you, believing with proper caution the information it contains may prove beneficial in laying the groundwork, on which, the whole Georgia claim may be obtained from the Cherokees. This summer as I passed through the lower part of that nation, I was informed by a half Breed, (Riley), that the opinion now expressed by ~~Riley~~ Rogers was prevalent amongst the Indians in that part of the nation, and Hicks and others threatened with death for deceiving them — I have now but little doubt, that a large portion of the real Indians wish to pass to the Arkansas, if they had the means — Might it not have a good effect to have this inquired into, and the real fact obtained, and if found true, could it not be carried into effect without much expense to the U. States, except the transportation and provisioning them — Let a confidential agent who will act impartially be appointed to go through the nation, and enroll all Indians who want to pass to the Arkansas, and when enrolled take their relinquishment of all their claim to land where they now live — As soon as this is done, let Congress provide the means of transporting and provisioning them and pass a law providing that land shall be laid out for them adjoining the bounds of the Cherokees on Arkansas, and that a like portion of their land here, shall be surrendered to the State of Georgia adjoining the settled parts thereof —

There can be no question but Congress ~~but~~ has the right to legislate on this subject — The policy of treating with Indian tribes within the jurisdiction of the U. States, and acknowledging its Sovereignty, could only have arisen at a time when the arm of Government was too weak to execute any law passed for the regulation of the Indian tribes within our territorial limits — To treat with Indians acknowledging our sovereignty, and situate within our declared Territorial limits, as a nation, has always appeared very absurd to me; Now when more justice can be done the Indians by legislation than by treaties, and the arm of Government is sufficiently strong to carry into effect any law that Congress may deem necessary and proper to pass for the welfare and happiness of the Indian and for the convenience and benefit of the U. States — It appears to me that it is high time to do away the farce of treating with Indian tribes — Should it be the fact that the wish of the large mass of the Cherokees on this side the M. River, are ripe for emigration, it opens a fair field for Legislative interference by Congress, by which justice can done the Indians, and the pledge of the union to Georgia, to extinguish the Indian title fulfilled — These are a few hasty remarks for your consideration — I have heretofore submitted to Mr. Monroe my ideas more fully

I am Sir, with sincere respect
Yr. Mo. Obt. Servt,
Andrew Jackson

The Honble
J. C. Calhoun
Sec. of War

Division of the South
Head Quarters Nashville Sept 2nd 1820

Mr John Rogers
Friend & Brother

I have recd. your letter of the 17th of last month, dated from the Cherokee agency — and will take an early opportunity of forwarding it to your father the President of the U. States — Who I have no doubt will do the Arkansa Cherokees all the justice they are entitled to; and if the last treaty has been made with the Cherokees, without the knowledge and consent of the arkansa cherokees, and proves injurious to your national interests, I have no doubt but in these as in all other respects your father the President of the U. states will hear, and do you justice as a people.

The letter you delivered to me from your father, agreeably to your instructions and request I forwarded to the President of the U. States, you will recollect I told you to say to your father, that I was convinced the Executive of the U. States had forwarded funds to its agents, with instructions to carry into effect with good faith every part of the treaty of 1817 with the Arkansa Cherokees — I have just received from your father the president of the U. States, through the Honble Secty of war, his answer to my letter on that subject. the extract from it herein ~~inclosed~~ transcribed will shew that the information I gave you was correct, and if any failure in complying with the treaty has taken place, it must have arisen from the neglect of the agents to whom the funds were transmitted, and not from the president;

it will therefore be your duty to shew by proof that the supplies engaged to be furnished under the treaty of 1817 has not been delivered, and what agent of government is in default — Why your father did not receive his supplies from Col. Meigs or Governor McMinn, if he did not, must be shewn by him — this if it is the fact, he can easily do, and when done will be attended to by the Government of the U. States as soon as the proof is.

The extract from the Sec. of War's letter of the 31st of July as follows —

"With respect to the complaints of the Cherokees on "the Arkansa, I was not aware that they existed "to the extent you have mentioned, you will "see by the enclosed extracts from the corres= "=pondence of this Department with Govr McMinn "Govr Clark, Mr Lewis, and Maj Bradford, "that this department has not been unmindful of "its engagements with them, and that their "complaints are, if not wholly, in a great degree "without foundation, unless the agents of the "Department have altogether neglected to comply "with its instructions, which I feel assured is "not the case. You will communicate this "information, with such remarks upon the "subject as you may conceive to be proper to the "Cherokees on the Arkansa.

"No answer to the letter to Mr Lewis relative to the Division "of the annuity, was ever received, and it has been pre- "sumed the Division made by the 6th article of the treaty of "the 27th of Feby 1819 was acquiesced in."

Friend & Brother

You will see from the above extract, that the Secy of

War had written to Mr Lewis relative to the division of the Annuity between the Cherokees on this side and those on the Arkansa, and not having received any answer presumed the regulation in the 6th Artl of the treaty of 1819 had met with the approbation of the Arkansa Cherokees — If this is not the fact, your chiefs had better make a communication through your agent — setting forth your disapprobation of this measure — and any other grievance you conceive you labour under, growing out of that treaty — But let those grievances made be such as are seriously injurious to your nation. and accompanied with proof — and I have no doubt but you will be heard ——

As far as I find the arkansa Cherokees entitled to justice and it is witheld from them, I shall with pleasure interfere in their behalf — I am your friend & Brother

(Signed) Andrew Jackson

Mr John Rogers

Arkansa Cherokees

Division of the South.
Head Quarters, Nashville Sept 6th 1820

Sir

Your letter of July 30th has just been recd, the health of your troops is a source of great gratification, which added to your abundant crop, will ensure an ample supply of vegetables for your troops, and will I trust prevent a return of the scurvy amongst them — the new Barracks being completed and dried before the inclemency of ~~the weather~~ winter sets in, will no doubt also contribute to remove the causes of unhealthiness last year, which were firstly exposure to bad weather, & secondly the occupancy of the Barracks before they were sufficiently dried.

I am happy to find your supplies have rea-ched you; I regret the accident of your boats sinking — but where such a tedious water tran-sportation is to be encountered, losses will be sustained by accidents, under the superin-tendance of the most vigilant & careful officer — and Government must anticipate them and ought to have an extra supply always laid in — I hope the next Congress will give you a wing that will enable you to make a permanent establishment at the Mandan villages, We must possess this point, before we can cut up by the root British influence amongst the Indians inhabiting our territory & put an end to Indian Wars.

I have just seen published in the Newspapers, a stricture on our officers for barbarity in cutting

the ears and branding of of our soldiers — I have made enquiry into the affair of the Adgt Genl of Division and find that no punishment of the kind has been approved in your Department — I have no doubt but it is a positive slander, and the editor ought to have his punishment for this wanton outrage upon truth — be pleased to inform me whether any thing has occurred in your command that would justify such a publication — The honor and reputation of the army require that this report which is going the rounds of the Newspapers should be contradicted, to enable me to do this is the request me

I am Sir, with great respect
Yr. mo obt servt.
(Signed) Andrew Jackson

Genl H. Atkinson
Commdg 9th Infy Department

Division of the South
Head Quarters Nashville Septr. 11th 1820

Dr. Capn.

I have recd. your note of this day's date ten-dering your resignation of the appointment of one of my Aid de Camp's, which you have held for the last two years. That any occurence should have arisen compelling you to the City of Washington at this period of time, by which you are induced to separate from me and leave the army, fills me with much regret — I had a hope that circumstances would have permitted you to have remained in my family, so long as I continued in the army — But, Sir, although I part with you from my family with feelings of sincere regret, I am fully acquainted with those praise-worthy and honorable feelings that have led you to take this step, and cannot but approve your motives —. In justice to my own feelings, permit me to declare, that there has not been any of your conduct in the capa-city in which you have acted in my family, which has not been such as to merit my warmest approbation, friendship, and esteem — and it will afford me pleasure to have it in my power to serve you in any way hereafter. My acts of friendship so far as they have been extended to you, flowed from the feelings of a father, because from your situation and conduct you merited them, and those feelings will continue to exist, so long as you continue to pursue the path of virtue and honor, from which I cannot believe you will ever inten-tionally depart — These, my young friend, are the polar star which through every vicissitude of fortune

will guide you to happiness: a man may be strip-ped of his wealth, but he is always rich, who main-tains his reputation — those who possess virtue, when made acquainted with the misfortunes of a virtuous man, will sympathise with, pat-ronise, and aid him in his struggles, thus will he ultimately overcome every obstacle, rise superior to his enemies, and settle down in society hailed as the honest man ("the noblest work of ~~God~~") respected by all who know him —

In bidding you adieu permit me to express the deep interest I feel in your future welfare, and the hope that your sphere of usefulness may be soon extended —

I remain, Sir, with due respect
Yr. Mo. Obt. Servt.
(Signed) Andrew Jackson

Capt.
Richard I Easter

respectable person — yours Respectfully
Signed R. K. Call
A D Camp

Lieut Will. M Graham —

Nashville June 30th 1820

Sir

The Comdg Genl directs that you will furnish on account of the Quarter Masters Department the following sums of Public money. To Captain Humphreys Comdg a detachment of U S Troops on the Military road Three Hundred & Fifty Dollars for the subsistence and Transportation of his command. To Lieut W. M Graham commanding a detachment ordered to remove Intruders from the Cherokee Land, One Hundred and Thirty Dollars, and to Doct. Charles McCoskry Post Surgeon U S Army Twenty Dollars to be applied as above. you will take from those Officers respectively duplicate receipts for the sums of money by you advanced

Yours Respectfully
Signed R. K. Call
A D Camp

Lieut McSpary
Qr Mr Corps of Artly

Washinton Augt 2d 1820

Dear Sir

I have the honor to acknowledge the receipt of your letter of the 12th ult. accompanied with a commission to myself & General Hynds, with instructions for holding a with the Choctaw nation of Indians

General Thomas Hynds being at Beards Town Kentucky, by yesterdays mail I address'd him on the subject of this communication and requested him to state what time it would be convenient for him to attend to this duty. I have suggested to him that as early a period as will promise supplies of Corn in the Nation will be the 20th of Septr. & from that to the 1st of Octr. will be a proper time to convene the Nation as the Hunters men & warriors of the Nation Generally set out on their fall hunts about the middle of October. It will be necessary to have the funds here as early as possible, that part of it may be placed in the hands of those who may contract to furnish supplies for the Indians during the Conference. I have some time since wrote to Col. McKee the Agent to furnish me with a statement of the probable amount of rations that will be required to be issued which I expect to receive in a few days and which will be a guide to the Commissioners in making a contract for supplies.

I observe in looking over the circular & letter of instructions that there is not any thing said on the subject of reservations, It strikes me that reservations will have to be made to some of the half breeds who have a wish to remain before their consent can be obtained, but if made that the limitation of right ought to be so long as they reside thereon or their decendents: that the fee simple ought

not to be granted, but that the right should accrue to the United States so soon as the reservee removed from the land; I barely name this to bring the subject to your view, that on this point we may receive instructions. I expect to hear from Genl. Hynds in the space of eight days when you will be advised of the time the Indians will be convened; in the mean time you may make the arrangements for forwarding the funds, calculating on the assembling of the Indians some time between the 20th of September and first of October, this will enable us to close the conference and forward the result to you early after the meeting of Congress, and leave me free for any other duty that may arise out of the proceedings of Congress relative to our affairs with Spain, should not the new government be disposed to act justly toward us

I am Sir very Respectfully
your mo obt Servt
(Signed) Andrew Jackson

The Honble
John C. Calhoun
Secty of War

Nashville Augt 5th 1820

Dr Sir

I have the honor to enclose for your information the inspection report of the Asst Surgeon Genl of my Division and request your attention to that part of the report which recommends the removal of the sick from New Orleans to Batton Rouge without delay. I have no doubt of the propriety of this recommendation, Orleans is certainly a very improper place for a Hospital, I would also beg to draw your attention to the situation of the two unfortunate discharged Soldiers, humanity demands that they should be maintained comfortably by the Government. I have seen since my letter to you of the 2nd Inst. Majr Edward Mitchel of the Choctaw Nation, the Majr states to me that the Bills of the Huntsville do not pass currently in the Choctaw Nation nor do the Bank Bills of Nashville the intercourse of the Choctaws being mostly with the Natchez, I have thought it proper to name this to you that the funds that are appropreated, may be forwarded to command something like a par value with the Nation, the sum is limited and if it is not economically used it will compell us to hurry the conference that may be injurious to the object in view, if it should be remitted in paper that does not pass current in the Nation it will enhance the price of the ration & in that may curtail our means. The mamoth Paper Bank established by our late Legislature will have a tendency to lessen the credit of the Bank paper of this State, and when it goes into operation will as I believe destroy the credit of the whole it is calculated to effect this compleatly and.

and destroy our credit abroad, hence the paper of Tennessee will not do, it will depreciate at least fifty per cent and will not be taken at any value by two thirds of the citizens of the State you will therefore consider these things in the remittance

There has been many applications for the contract for the supply of the [illegible], we will let it to the lowest bidder, and the enquiry of the bidders is, in what kind of money the Government will pay us, I have answered probably in Huntsville, I believe we will be able to make a contract at twelve & a half cents per ration provided Bills at par will be paid, but every one appears to object to Huntsville & Nashville [illegible] fearing its depreciation, a check on the Bank at Natchez would I suppose answer, it pays specie for its notes and by a special Messenger could be brought to the Nation, Eastern Bills command a premium of fifteen per cent of course the contract for the Nation can be made proportionably lower for good paper than that which [illegible].

I am Dr Sir with great respect your Mo. ob. Servt.

Signed Andrew Jackson

The Hon. J. C. Calhoun
Secty of war

Head Quarters
D. of the South.   Nashville August 10th 1820

Sir

In May last I recd a letter from Colo. Arthur P. Hayne dated the 3d of April 1820 — an extract of which is enclosed; Our affairs with Spain at that period was the cause why I withheld the resig-nation then offered — expecting active employment in the field I did not ~~I did not~~ wish to be deprived of Colo. Haynes valuable services. In July last I received from the Colo. a letter dated June 10th 1820 an extract from which I also enclose you, and forward as the resignation of Colo. A P Hayne which I hope you will accept — and appoint another to fill the vacan-cy occasioned by his resignation. — —

Long since when it was expected that Colo. Hayne would resign I had the promise of the President, that Capt. Gadsden of the Engineer Corps would be appointed to fill that vacancy — I have now to request, that, that promise should be realised, I need not add any thing now on the merits and capacity of Capt Gadsden to fill that, or any other appointment in the army, there is no person who knows him as a military man, and is acquainted with his private virtues, and the capacity of his mind, that will not testify as to his real merit, I therefore hope that the vacancy will be filled by him — I have not well examined the subject — but I am impressed with the belief that precedents may be found, that will justify his holding his grade in the corps of Engineers, and also this appointment in the staff If I am correct in this, I trust, and hope, he will receive this staff appointment, & retain his grade in his Corps. — I Herewith forward a quarterly report of the asst Surg. Genl, Southern Division

ending the 31st of March, shewing the state of the sick of my Division — which is forwarded for your information. — I have just received your letter of the 21st. of July 1820, accompanied with the resolve of the house of Representatives, calling on you for a report of a plan for the reduction of the army to six thousand men &c. — which shall be duly attended to, and my ideas forwarded as early as possible. — —

I have just recd. a letter from a principal Indian chief of the Choctaw Nation called the Read — Foot in which he says, "he wishes to see me, and hear the talk of his father the President" & adds "I do not wish to sell my lands, but have no objection to exchange for land on the West of the Mississippi". — This induces a belief, that we may succeed in part, if not in getting the whole country.

I have the honor to be with great respect
Yr. most obt. Servant
Signed Andrew Jackson

The Honble.
J. C. Calhoun
Sect. of War

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Head Quarters
Div. of the South

Nashville August 10th 1820

Dear Colo.

Being advised, that considerable murmurs have arisen amongst the officers of my division, alledging the great partiality that I have extended to you; has induced me this day to write to the Sect.y of War enclosing your resignation — added to this there are daily communications arriving at Nashville to your address, and it is necessary that some officer should be there to receive them, and believing from your letter, that you are resolved to resign — and cannot come to Nashville without great injury to your private concerns; to prevent injury to you & censure on me, I determined to forward your resignation, without waiting for the receipt of your answer to my last letter to you. — You may therefore expect to learn shortly from a general order that your resignation is accepted, and make arrangements accordingly. — I fondly hope that our mutual friend Gadsden will accept of this appointment. I have no doubt but the army will be reduced next Congress, and we will be mustered out of service. Nothing will prevent this but a war with Spain, and on that event I do not calculate —.

Accept assurances of my friendship and esteem

Signed Andrew Jackson

Colo. Arthur P. Hayne

Head Quarters
Nashville 11th August, 1820

Sir

I have now the honour of forwarding you in detail my ideas on the subject of the resolve of Congress for the reduction of the army.

Considering the extent of the sea coast frontier of the United States, the number of permanent defences now constructing, and the additional number that will be necessary before security can be given to our exposed commercial towns, and capacious estuaries; the extent of our internal frontier bordering on a jealous commercial rival, as well as suspicious, if not dangerous savage tribes, a frontier extending with a growing, enterprising & restless population; it would appear that the present military establishment was not even adequate to the objects for which it was retained, & that so far from a reduction, both policy, and sound judgement would enforce the propriety of a gradual annual increase — To preserve our permanent defences, to protect our sea coast frontier from insult, to overawe savage neighbours, check their maraudings, and ensure their respect for the American republic by the existence of a positive force always prepared to inflict chastisement on the commission of the first outrage; and finally to retain the seeds of Military science & Tactics, by those to whom it became a profession, seems to be the objects for which even in time of profound peace a Military establishment becomes necessary — It would be wiser to annihilate the army entirely than to retain a force inadequate to the objects

for which it should be appointed — Even under the present establishment, the extent of our frontier, the number of posts to be garrisoned, & the number of public works progressing by the labour of soldiers, has rendered the concentration of a force adequate to the forming of a camp of instruction impracticable, while the greater part of the army has been detached, and divided into separate commands of companies & company drills alone attended to. — To comport however with the views of the resolve of Congress, & in a manner least detrimental to the public interest, I now submit a plan of reduction of the army to the number contemplated, retaining the skeleton of a force, the body of which may be filled up or reduced as the exigencies of the case may require —

It does not appear that the Ordnance or purchasing departments are to be effected by the Resolve of Congress — There are other departments that cannot without serious injury to the public be greatly reduced; but should rather be firmly established & perfectly organized with a view to a state of peace as well as war — of these are the Engineer, Quarter-master's & Commissariat departments.

The Engineer Corps should be composed of officers of no ordinary merit and talents — To be a skilful Engineer requires long practice, severe discipline of mind; and a rare combination of talents & acquirements — Individuals every way qualified to the discharge of duties so arduous and responsible as those devolving on an Engineer, cannot be retained

permanently in the service of Government without compensation adequate to their support, & rank equal to their merit — The number of fortifications now constructing, the additional number necessary, the public works for internal improvements contemplated, all requiring the direction of skilful Engineers; seem to urge the necessity of an increase of the number & rank of the officers of the Engineer Corps; and an addition to their compensation equal at least to that allowed the members of the Ordnance Department —

The topographical Corps, is alike important — To the mariner accurate charts of our sea coast are greatly needed; while correct military surveys of our frontiers & country at large, will be indispensable to the success of all defensive operations in time of invasion — This is a work of many years, and can only be effectually accomplished by a corps of skilful Topographers, adapted in its organization to the objects to be effected, & controuled by an experienced and energetic head — The present corps is defective in its organization; it has no chief, head responsible for its duties; while its officers occasionally compose a part of the staff of our Generals, and again are subject to the orders of every department —

The Quartermasters, & Commissariate Departments,

To these departments are confided the quartering, and transporting of troops, the transporting of provisions, & military stores; the purchasing of forage, fuel, provisions, and all other articles or supplies not appertaining to other departments — On them devolve duties of a complicated and important character, in intimately connected with

the efficiency of Corps, and the success of all operations in the field — In times of peace alone can judicious selection of officers be made, & the officers acquire that experience which will ensure certainty to the supplies of the army, & economy in the expenditures; and at that period alone can these departments receive that organization which may be adapted to a state of war —. It is in these departments that the most profligate waste of public property & the grossest misapplications of pecuniary expenditures may take place from inexperience, or want of integrity, and it can only be guarded against by establishments of high minded regular officers, controuled by an able, experienced, and virtuous chief —

To the temporary appointments of Q-masters & commissaries of subsistence accompanying militia corps called into service for a short period, pecuniary disbursements of public funds should never be confided, and it is all important that the Quartermasters and Commissariats departments should receive such an organization as may be adapted to any occasion and confined to the regular Officers of experience, bound under responsibility for all expenditures appertaining to their departments —

The plan submitted is herewith enclosed and marked A. I am very respectfully

Yours. Most obt Servt
(Signed) Andrew Jackson

The Hon.
J. C. Calhoun
Secty of War

which I granted, and suggested my wish, that he should, for your satisfaction, make out a summary, in which were to be designated the proper sites for public stands, in that part of the military road that passes through the Choctaw nation. With this request he promptly complied, as you will observe by a reference to to the enclosed papers, marked No. 1 & 2.

I can say that the road is now compleated, and the Government can, if it pleases, run the Mail stages from one extreme to the other of the United States. I mean from the North East to the South West. The Mail can now be carried from the seat of the General Government to New Orleans, in 17 days, in a stage; it being only 483 miles from Nashville to Madisonville, on Lake Ponchartrain. Nothing, therefore, now remains to be done, but to establish eligible stands for the accommodation of travellers, on that part of the road which passes through the Choctaw nation; and to enable the Executive to take an order on this subject, I have enclosed the Report of Lt. Scallan, indorsed No. 2.

This will become the most important road in America; and many of the lives of our citizens will be preserved by establishing proper stands upon it, at which the sick can be well accommodated. A road running from the military road to Baton Rouge, which place must become our grand depot of military supplies for the defence of the lower country, might be of great utility in time of war, particularly, if invaded by a power having the ascendancy at sea, and at a time when the lowness of the rivers might prevent troops from being transported down by water.

I have a small detachment of 14 men employed on the North end of the military road,

see p. 120.

shrubbing it out, and repairing the causeways that were burnt during the last fall. So soon as this object shall be accomplished, I have the assurance of the magistracy of Alabama, that the Courts of that State will exercise an authority over it, so far as may be necessary to keep this important road in a state of good repair. I am, Sir, with due respect,

Yr. Mo. Obt. Servt.

Andrew Jackson.

* note. there may an error in the length of the road as stated of 21 miles

The Honble

J. C. Calhoun,

Sec. of War.

Nashville, July 8th, 1820.

Sir,

I have received your note of the 10th June last, with the enclosure to Messrs Meriwether, Jackson and Franklin, which I shall give the direction you have requested. But, Sir, I am truly astonished that there should exist such a charge upon your Books, as the one which you have represented, and will thank you to forward me the evidence by which it has been authorized. It cannot be founded upon fact, and upon a fair adjustment of the accounts of the Commissioners with the Treasury Department.

The communication made by the Commissioners to the Secretary of War, and which accompanied the drafts and treaty, exhibits every Bill that was drawn upon the Government, for what purpose, and the particular objects to which the money was appropriated. Under these circumstances, I have to repeat, that it is with the utmost astonishment, I am advised of the existence of such a charge, particularly, as it is made after so many years have elapsed

subsequent to the transaction. I trust Sir, whenever you turn to the communication to which I have refered, you will be convinced that the charge is erroneous, and that I shall be informed, in due time, of its correction. Should I not be advised of this result, the commissioners, in justice to themselves, will be under the unpleasant necessity of forwarding a duplicate of that communication to the present Secretary of War, in order to prove, that such a charge against them is unjust, and should never have been created; and that had it been necessary to raise an account against them, they ought to have been credited by the money applied to public purposes. How this debit has been created against the Commissioners, I am entirely at a loss to divine, and therefore hope, that you will, without delay, afford the necessary information, and explain how it has happened that this account has remained unsettled for so long a period, and that it was not made known to me when last in the City of Washington.

I am, very respectfully,
Yr. Mo. Obt. Servt.
Andrew Jackson.

Wm. Lee Esqr.
2 Auditor
Treasury Department

100

(Private)

— To the Sec of war —

Head Quarters
Division of the South, Nashville July 26th 1820

Sir

Your General order of June 14th 1820 has just reached me, I have directed it to be promulgated to my Division —

Will you permit me to draw your attention to this order, and request you maturely to deliberate on it, compare it with the rules and regulations under which the Soldier is enlisted, and the rights and emoluments secured to him under his compact to serve the U. States, which is secured to him, his monthly pay & rations — let me then presume to ask you to compare the law with the General order of the 14th of June last and then conclude whether any power exists, competent to take from the Soldier, Eighty five Cents out of every hundred of his pay for the purpose of buying Seeds utensils &c "for the cultivation of wheat and other component parts of the Ration" when by the terms of his compact the Government is bound to furnish the Soldier rations at its own expence — As far as I have been conversant with the law martial, and the rules and regulations for the Government of the Army, it does not appear to me that there is any power competant to retain the Soldiers pay, save that of a Court martial, and then only for the commission of a crime, recognised as such by the rules and regulations for the Government of the Army,

The order for the cultivation of Gardens was for the comfort & health of the troops; The order for the cultivation of wheat, is considered for the benefit of the Government by saving them the expence of component parts of the ration by the labour of the Soldiery, hence it would seem

to me but Justice, that the seed, utensils & farming tools should be laid in by the Government, and not taken from the Pittance of the Soldiers pay. I really cannot believe that any power exists of applying the pay of the Soldier to the purpose of farming utensils and seed for the benefit of the Government; How will the Commanding officer collect this from the soldier, suppose this order a violation of the compact under which the soldier was enlisted — how will the officer Justify himself in laying his hand upon Eighty five Cents out of every hundred of the Soldiers pay to purchase wheat, seed corn, axes, wedges &c &c to carry on farming for the benefit of the United States — Suppose the soldier appeals to the law for redress, to recover his pay; will not the law of the land afford him relief from this order: nay further, may it not lead to serious discussions in Courtmartial, and may not the Soldier, after being thus deprived of his pay contrary to the terms of his enlistment, on the charge of Desertion, with great force alledge in his defence, that the Government has violated the Contract with him when enlisted, and from that moment he was desolved from his enlistment & cannot Justly be punished for leaving the service, & may it not happen, that officers acting under oath may incline to this opinion, and at once, by their decision absolve all those (whose pay has been thus applied) from the obligation of their enlistment,

Be assured that these remarks are made with the most friendly views, to draw your close attention to the order and its consequences, believing that you have not well considered the Subject before the order was Issued —

The Honble.
J. C. Calhoun
Sec. of War

I am Sir with great respect
Y. mo. ob. Servt.
Andrew Jackson

Head Quarters
D. of the South,

Nashville July 26th 1820

Sir,

Last evening I received a letter from Captain R. K. Call, U. States army, Charged with the Command of the Detachment now engaged in removing the intruders from the cherokee land — In which he reports that he has progressed through Bearmeat valley and is on his march to Wills creek, from the number of intruders found, he is of opinion that it will take him nearly three months, to perform the duty assigned him, I have therefore directed him on the recpt. of my answer to forward an order to General Gaines to order a detachment to remove the Intruders from the Creek lands on the Georgia frontier, Captain Call informs me, that much noise of opposition was threatened, and men collected for the purpose, who seperated on the approach of the regulars, but who threaten to destroy the Cherokees in the Valleys as soon as these Troops are gone, — Capt. Call has addressed a letter to those infatuated people, with assurance of speedy & examplary punishment if they should attempt to carry their threats into execution — I have no doubt but the approach of the Troops so opportunely prevented, disag-reeable scenes — but I have no doubt but the Indian Light horse will be able to prevent intrusion hereafter. Their chiefs addressed to Captain Call the enclosed letter which he submitted to me, having no power to act on it, I therefore enclose it to you, not having any power to oppose their request, that you may lay it before the President for his determination, I have no doubt but Col. Galbreath & a few others named, clothed with authority under the united States could render great

Security to the Indians in that quarter, Captain Call informs me, the boarder Citizens there, one of the worst characters & has treated the Indians badly I shall be glad to hear from you on this subject as the Cheifs await my answer - I have addressed them that I have forwarded their letter to their father the President of the U. States.

I am Sir with due respect
Yr. Mo. Ob. Servant

The Honble
J. C. Calhoun
Sec of war

Andrew Jackson

2d Auditor. Nashville 28th July 1820

Sir,

Your letter of the 10th Instant is Just to hand, and in reply to the information you request have to observe, that by refering to my letter to the Sec. of War of July 25th 1815 in answer to his of the 5th of that month, I informed the Sec. that I had requested the agents to meet Captain Hutchings who I had ordered to repair to Ditto's landing Tennessee river and Superintend the delivery & distribution of the goods alluded to - my directions to Captain Hutchings in that letter is detailed - The goods were to be distributed in the following manner - Seventeen thousand dollars to the Creeks, the same amount to the Choctaws - $12,000 to the Cherokees and ten thousand to the Chickesaws - The balance of $4460.$^{00}/_{100}$ to be distributed in the same ratio amongst the most meritorious Chiefs who had rendered the most important Services

in the late war— Maj. Hutchings delivered to Col. Meiggs at Ditto's landing the proportion of the Cherokees, to the Creeks he delivered their proportion at Fort Strother— And Shipped those allotted for the Choctaws & Chickesaws, the first to the Natchez the latter to the Chickesaw Bluffs, I find from Col. Cocks letter who was then agent for the Chickesaws, of the 18th of August 1815 That he met the goods at Colberts ferry Tennessee river, and took possession of the goods, and had them distributed as directed— I find from Col. McKees letter & my answer of the 8th of September 1815 that the goods reached him, and that the sum of $11,500 dollars was delivered that nation in discharge of their annuities as directed— the sum of $500 being selected from the $17.000, to be added to the amount to be distributed as presents to the Chiefs— from the number of their Chiefs, it was found that the sum allotted for presents was too small for a satisfactory distribution, This being communicated to me by Col. McKee, in my letter of the 8th of September 1815 I directed to add $500 to the amount of their presents— the object of the Government in first forwarding these goods being to attach the Indians more firmly in friendship to the United States—

By refering to the department of war, you will find Maj. Hutchings report— the report of the agents— and the receipt of Col. Cocke— Col. McKee & Col. Meiggs—

Captain Call my aid de camp is absent on Command, Captain Easter is sick, and my papers of 1815 is not easily looked into,

being laid by on file, — as useless — however, if you should not be able to find the papers in the war office, I will have search made, and send you on Duplicates — They were regularly transmitted,

I am Sir with respect
Yr. mo ob^t. Servt.
Andrew Jackson

Wm Lee Esqr }
2^d Auditor }

Nashville 28th June 1820

Sir:

I am directed by the commanding General to acknowledge the receipt of your communication of the 15 Ins^t. and reply thereto.

The detachment of the U. S. Troops destined to cooperate with the Cherokee Light Horse, have been detained on the Military road longer than was contemplated by General Jackson at the date of his last letter. they have at length arrived at Florence from which place they will be ordered to march forthwith to the Cherokee Nation, they may be expected to arrive at Paces 10 miles South of the Tennessee River on the road leading from Huntsville to the Blackwarior on the 9th of July, where it is expected that the Cherokee Light Horse may unite with this detachment. I have been appoin=ted by the commanding General to the com=mand of the Regular and Indian forces

when united. I shall repair direct to Paces where I shall wait the arrival of the Troops and will then proceed to discharge the duties required according to the plan proposed in your communication of the 15th Inst. It will be convenient perhaps for the Cherokee Light Horse when on their march to the place of rendezvous to remove the intruders along the Northern boundary of the Nation. I have taken the liberty of suggesting that plan, from a supposition that the Light Horse are at this time in that section of Country and will be able to perform that duty with little delay or inconvenience, but should you calculate any resistance by Intruders in that quarter, it will probably be best to delay the execution of this order until the arrival of the Regulars. After taking command of the Troops I shall to remove the Intruders on the South and west of the Nation, and continue round its border to the Frontier of Georgia. On my arrival at Paces which will be on the 8th or 9th of July I shall be happy to receive any communication which you may think proper to make

I have the honor to be
very Respectfully
your obt Servt.

Col. Meigs
agent

(Signed) R. K. Call

Nashville 29th June 1820

Sir

Your letter of the 15th Inst has been received and submitted to the consideration of the Com.dg General who directs me to inclose you a copy of my letter of the 20th of May which specifies particularly the duties you were required to perform, Col. Clinch acknowledges the receipt of this letter and informed the Comdg General that you had been instructed to comply with the orders therein contained, this justifyed the belief that you had been ordered to Skrub out the road as well as repair the Cosways. If in the directions given you by Col Clinch any part of the orders contained in the orders of the 20th of May has been omitted, you cannot be responsible for the non compliance therewith you are only accountable for the execution of the orders received, and the Com.dy General has never bestowed Censure on an officer where he not reason to believe censure was due—

Lieut. Massy has been ordered to forward 350$ for the Subsistence & Transportation of your command for which you will sign duplicate receipts and forward them to him at this place, should that sum be insufficient to defray the expense of your Detachment you will require of him the amount you may deem to be necessary

Capt. R. Humphreys
4th Infantry— Signed

Yours Respectfully,
R. K. Call

Nashville 29th June 1828

Sir

I am commanded by the Genl. to acknowledge the receipt of your communication by express and reply thereto. Doctr. McCoskry of the United States Army by whom this will be delivered has been ordered to report to you for duty, he will deliver to you Four Pack Horses and Saddles One Hundred & eighty feet of Cordage and One Hundred & fifty dollars for the Transportation and Subsistence of your command for which you will sign duplicate receipts and forward them to Lieut. Massey at this place —

On the arrival of Doctr. McCoskry you will provide your Command with Ten days rations and proceed without delay to the Cherokee station where you will be joined by a detachment of the Cherokee Light Horse destined to co-operate with your Troops in removing the Intruders from the Indian Land. I have directed the Cherokee Light Horse to meet you at Paces 13 miles South of the Tennessee on the Road leading from Huntsville to the Black warior when it is expected you will arrive by the 7th of July next.

I have been appointed by the Comdg. Genl. to the Command of the Regular and Indian forces and when united and will meet you at the time and place appointed. Doctr. McCoskry will deliver you some dispatches for Capt. Humphreys which you will have forwarded by a confidential Non Commissioned Officer or Soldier, you will be particular to whom the care of those letters will be intrusted as they will contain a sum of money for the Subsistence of Capt. Humphreys Detachment for fear of accident I would advise you to deliver those letters in the presence of some

along that line from the high Shoals of the Chatehoochey to the South East corner of the Creek boundary. all along which I found the improve=ments destroyed last year, now under cultivation, and was informed that numerous Stocks of Cattle had been driven into the Creek Country. I ordered them forth to remove and cease trespassing on the Creek Lands, or I would remove them with a military force ordered for that purpose to remove all intruders from the Cherokee Land, and as soon as that duty was performed I should order the Troops along that line to with directions to arrest, all those found Trespassing, with their Stock of every kind and hand them over to the Marshal to be delt with as the Law directs, with instructions to destroy all Crops growing and improvements.

On my return through the Cherokee Nation I was shown your a Copy of your letter to Col Meigs the Agent authorizing him agreeable to my Suggestion to employ the Indian Light=House. Being informed that those intruders along the Chatehoochey were numerous & threatened opposition determined me to hasten to the military road, and order a part of the Detachment directed to up on the road on this duty, which would keep down all opposition to the Light House and after clearing the Nation of all those white men who does not hold the written permission of the Agent, the Light House could hereafter prevent intrusion. I reached this place last evening and found the Detachment that had been ordered to repair the road, had returned without doing the duty as ordered, I have

Sent

Sent an express after this detachment with orders to return, part of which will be forth=
=with ordered into the Nation, with orders to arrest all those white men found within the Nation, with out discrimination not holding the written permit of the National Agent and together with their Stock hand them over to the Marshall to be delt with according to law.

On my return along the Creek line I was presented with the address here with enclosed and with the remonstrance to you which I was requested to forward, and which I also enclose to you. And have to remark from the best information I was able to collect. The Sub=
=Agents conduct in giving permissions to these Poor People after destroying their Corn to Sow three acres of Wheat each, has induced many to believe they could plant corn without any violation of Law. The poor people who live North of the line and have planted corn with in the Indian Territory will suffer much if their Crops are destroyed, and they are willing to give bond and security that in all the Month of November they will destroy their improve=
=ments and cease to trespass on the Indian Land. If those Poor people could have their crops Spaired it would save many from great privation. But those who have entered the Nation must be removed as it will have an evil tendency on the contemplated treaty, as the Indians will say and with truth, that we gave way to such a line

you promised to keep your people on your own side with their Stock: this you have not done If we give you more land your people will break over the line and drive us out of our own Nation. The fact is it is high time the treaties with the Indians should be executed with good faith and every white man who is found in the Nation ~~out~~ without the Agents permit removed. All good men whom the Indians wish to remain in the Nation can obtain permits, and none else ought to be permitted. Bad men fly from justice to the Nation take up with a Squaw and conceive themselves safe from punishment or removal. Therefore I know of no authority but that of the Agent to grant permissions to a white man to live in the Nation, and shall order accordingly unless otherwise instructed by you

I am Sir

The Hon
J C Calhoun
Secty of War (Signed)

Very Respectfully
your Obt Sevt
Andrew Jackson
Maj Genl Comg

General Jackson to the Secty of War

Division of the South
Head Quarters
Nashville 19th June 20

Sir

On last evening I reached the place where ~~I have~~ the I received your letter of the 24th of May last, and one from the delegation of the State of Mississippi of the 18th of May requesting that I should accept

the appointment of Commissioner to aid in holding a Treaty with the Chocktaw Indians.

I had determined never to have any thing to do again in Indian Treaties. but finding that the President of the U States is desireous that I should engage in this duty, This added to the Solicitation of of the Deligation of that State has determined me to depart from the resolution I had formed and to accept of the appointment. I never can withhold my services, when requested by Mr Monroe. and I owe a debt of gratitude to the People of Mississippi, and their late Governor, for their support in our late Struggle with Great Britain. by him and them I was well supported. I feel it a duty therefore to endeavour to serve them when they by their Representatives believe I have it in my power.

There is no man I would rather be asso=ciated with than General Hinds, or one in whom I have more confidence.

In making out the instructions permit me to suggest the propriety of pointing out the bound well of the Mississippi, out of which the land to be given the Chocktaws in exchange for their Land where the most live is to be laid out. The wish of the Indian Chiefs is (as I am informed) to perpetuate the ex=istance of their Nation by concentrating the whole in a country that will support them as a Nation. At present they are scattered and wandering over a great space of Country, and if not shortly united will be lost their Nation in other Tribes. The pride of a real Indian

is in the Strength of his Nation, and this is a
chord I mean to tuch to obtain the object in view
I wish therefore to point to the lands and describe
their bounds. where their father the President of
the U States means to settle his red Children
concentrate and perpetuate them as a Nation
and thereby make his Children happy.

I am Sir
With great Respect
Your Obt Servt
(Signed) Andrew Jackson
Maj Genl Comg

The Hon
J C Calhoun
Secy of war

Capt Call to the Secretary of War

Nashville June 21st 1820

Sir

The enclosed petition relative to John Pace an Intruder on the Indian Land is respectfully Submitted to your consider=
=ation.

I have the honour to be
Yours Respectfully
R K Call
A D Camp

The Hon
J C Calhoun
Secretary of War

Capt Call to General Bissell

Head Quarters
Nashville 21st June 1820

Sir

The enclosed Documents have been trans=
mitted from the Department of War to the
Commanding General, who directs you
will cause the Subject to which they relate to

be

be investigated, and report thereon. Should the facts stated be found on investigation to be correct, you will have the Offenders arrested and brought to trial.

I am Sir
Very Respectfully
Your Obt Svt
R K Call
A D Camp

Brig^d Genl
David Bissell
Comg 8th M Dept

Capt. Call to Maj Perrault

Division of the South
Head Quarters
Nashville 23rd June 1820

Sir

Your communication of the 9th Ult. with its accompanying Document has been received by the commanding General, who bids me express his approbation of the manner in which you have discharged your duty, and directs you will forward the Map which you have prepared for the Government direct, to the Department of War.

I have the honour to be
Very Respectfully
Your Obt Svt
R K Call
A D Camp

Maj Perrault
Topo^l Engineer
Mobile

General Jackson to Genl Bissell

Head Quarters
Nashville 23rd June 1820

Sir

Your several communications of the 10th of May and 9th of June have been received

You will exercise your own discretion relative to the position which the Troops will occupy during the Summer, having a view to their health and a Speedy concentration of them in the fall for active operations which may be expected.

You are acquainted with the Climate and Local Situation of the Country, and I feel confident you will select a Situation best calculated to preserve the health of the Troops and where they can be Supplied with least expence to the Government.

The Detachment on the Sabine may be withdrawn and attached to whatever Post you may deem proper.

I have read with astonishment the correspondence which has been introduced by your order to Lieut Symington for the issue of arms to the Troops of your Department.

The remarks contained in the Letter of Col Wadsworth are Singular indeed, and the regulations of the War Department relative to this Subject have evidently received a misconstruction.

You were ordered immediately to prepare and hold the Troops of your Department in readiness for the Field. to comply with this order it was necessary they Should be Armed and equiped. to effect this object you adopted the most prompt and efficient method.

You have committed no infraction on on the Rules of the War Department. as the case under consideration is one which in my opinion is fully contemplated by the regulations of that Department

The

The "necessity" existed as contemplated by the Regu=
=lations and you commanding the Department
was the Judge of that necessity and not the
ordnance Officer as is contended by Col.
Wadsworth. and your conduct meets my
highest approbation.

In a few days I will address the
Secretary of War on this Subject.

I am Sir
Very Respectfully
Your Obt. Sert.
(Signed) Andrew Jackson
Maj Genl Comdg

Brigd Genl
Danl Bissell
Comg 8th M Dept.
Bay St Louis

General Jackson to General Atkinson

Head Quarters
Nashville 26th June 1820

Sir

Your Several communications of the 20th and 28th of May have been received and duly considered.

I sincerely regret to learn that your Troops have been visited by the Scurvy. I approve of the measures which have been adopted to stop its ravages, and am much gratified to learn that the Troops are again restored to health.

The abundance of your Supplies and the quality of which they consist, I hope will have a tendency to prevent the return of this fatal disease.

I regret that Congress by with holding the necessary appropriation has prevented

the

the extention of the western Expedition during the present Season. This expedition is all important to the Safety and future greatness of the Northwestern Section of our Country.

It would have cut up by the Roots all British influence over the Indians, introduced a friendly inter course between the U. States and them and made them dependent on us for Support. which would have secured their friendship in future wars, and given to our Northwest borders perfect security. But we as Soldiers must Submit to the decision of our Government, and use the means in our power to give the best security to our frontier.

We must prevent the abandonment of any of our out Posts, which will give pro=tection to our frontier Inhabitance. There=fore the ~~plan~~ course you have pursued is approved. I have always found it the best plan with Indians to advance with caution, but hold every point of Ground advanced upon, the least retrograde impresses them with a belief that we are alarmed, and that our hostility will cause us to abandon the Country. and I have no doubt but the late murders have been committed under this belief sup=ported by the influence of British Agents.

The expedition being Suspended the ob=jects which you have pointed out in your letter of the 20th of May as being of the most importance and in which the Troops will be imployed are fully ~~[illegible]~~ approved.

A good Crop at the Council Bluff during the present Summer will enable the Executive

next

year to execute the Expedition with a much smaller appropriation, and will add greatly to the health and comfort of the Troops.

A good road to Charaton from the Council Bluffs is highly important and we ought to obtain a correct Topo=graphical Sketch of the Country across to the St Peters. and if practicable from the number and situation of the Troops a Detachment ought to accompany the Agent to the Great Bend and Mandan Vilages. this Detachment should be sufficiently strong to insure its own safety.

Permit me to offer you my con=gratulations on your appointment to the Command of a Brigade.

I find from the Register you have received special orders from the Depart=ment of War, the the tenor of which I am not yet advised, I have little doubt however but you will be continued on the Missouri Frontier unless in the fall we should have active duties to in the South where if your services can be dis=pensed with in the North west I will with much pleasure order you to join me

I am Sir

Yours Respectfully

Andrew Jackson (Signed)

Maj Genl Comdg

Brigd Genl
H. Atkinson
Comdg 9th M Dep

(To the Sec of war)

Head quarters
Division of the South   Nashville July 8th 1820 -

Sir

Your letter of the 19th ulto. is Just to hand, I have directed the adjutant Genl of Division to issue forwith the orders necessary to carry your wishes into effect. The reinforcement of two com:panies will be ordered to Baton Rouge.

I am advised by Lt Scallan adjt. to the first Regt (now here) that the Superintendant has been promptly furnished with men, agreeable to his requisitions, as far as the strength of the garrison would admit, except when the requisition was made on B. Brigr. Genl Bissell, by the civil and Judicial authority at Orleans, to guard the prisoners who were convicted of piracy, On that occasion it was supposed an attempt would be made to re:scue them, when a company was detailed to prevent such an occurrence. In no case has there been any interference with the details which have been made, save on days of muster, when it became necessary to order them to Join the garrison for that purpose.

Permit me to remark, that I have for many years, been acquainted with the Superintendant. He has capacity and industry; but whenever he is invested with power, feuds and broils will exist. I barely name this circumstance, to put you on your guard, so that you may not lend too easy an ear to his complaints, or be induced to censure others until the case has been subjected to your careful investigation. I have long known Major Chotard who commands, and can with truth say, that as a prompt, correct and energetic offi-

-cer, he is not excelled by any of his grade in any service. I have no doubt but that on proper application, he will yield every facility to the progress of that work in his power; but I know him too well not to be convinced, that he will resist any improper interference with his command, or the police of his garrison.

To carry your views into effect, and to prevent as far as possible, any interference by the Superintendant, with the legal military powers of the commanding officer of the garrison, I have directed the details made for the Superintendant, to be removed from the garrison, and formed into a separate encampment; as also to be delivered over to the controul of the Superintendant, except in cases of emergency, or on muster days, when the troops shall be under the orders and controul of the commanding officer. As soon as the muster is over, the detail shall again be separated from the garrison, and handed over to the controul of the Superintendant.

The troops, by positive orders, are to be mustered at stated periods. The Commanding Officer is bound to see that this duty is regularly performed, and he alone can be the proper judge of the real necessity when it exists. This arrangement will prevent any clashing of powers: for it is certainly true, that if the troops detailed for extra duty, return to the garrison at night, the commanding officer has a right to controul them; to maintain due subordination and a proper police within his command, and with which the Superintendant of the works has not, nor ought not to have any authority to interfere.

Lt. Scallan reported to me yesterday, that he had completed the duty assigned him, but requested to return to his Regt. before he made his final report,

see p. 97.

Genl Jackson to the Sec of War

Head quarters Nashville June 26th 1821

Sir

I have lately recd. from Brevet Brigd. Genl Bissell a letter with several enclosures referred to, a copy of which I enclose you; and with that frankness which has been invited by your letter of a former date give you my Ideas on the subject: you will please receive them for what they are worth and ascribe them to the best of motives.

No regulation should exist susceptable of two constructions materially variant from each other, but more especially should no rule exist capable of a construction which goes to destroy the utility of subordination of an army and makes the officer charged with the defence of a garrison, Department, or city, and who is responsible for that defence, subordinate to the opinions of a second or third Lieutenant. Ordinance stores are to be obtained, only by virtue of an order from the city of Washing=ton, except in cases of Danger & necessity: of this who is to be the Judge;— the storekeeper some young Lieutenant: such a construc=tion of the rule, upon reflection cannot, certainly be admitted, for one of its effects, certainly will be to compel a commanding officer to dis=cate confidence and to reveal to him in charge of the ordinance stores the danger that threa=tens his command: hence the safety of his command,— nay his military character may depend upon the caprice and Judgment of some young Lieutenant of the army.

It is not possible that such an idea could have been conceived by the framers of the rule, and yet such certainly must be its effect. Why was the exception made, – in its own language to meet cases of "necessity" arising from any sudden emergency, and to enable the commanding officer to meet and oppose any difficulty that might arise. He alone is the competent judge of the necessity; and he is liable to punishment for any infringement of the rule, when that necessity does not exist; and it is clear to me, that the framers of the rule had such cases in view, or else the exception is worse than useless. Let us suppose that a confidential order, which required the troops to be placed in readiness, for active service, and at a moments warning should be received; & they were without arms or equipments! Were they in the neighbourhood of Washington the inconvenience might be remedied; but if at a ~~distance~~ a considerable distance, in what situation is the commanding officer placed? He must violate the confidence enjoined upon him by the order he receives. The subaltern, who is made the judge of the existing necessity, must have revealed to him, the purport of the order, and every thing that is required to be done; and when this disclosure is fully made, he is then to be the judge for his commander, how far necessity, or real danger exists.

Experience and common sense forbids such a construction, and demands, that he who is responsible for the command, should be permitted to determine when

a necessity for his acting with efficiency exists. In my opinion this is the true construction to be given the rule; and if such an interpretation cannot be given to it, the sooner it is expunged the better; for it is subversive of subordination and all military principles.

I cannot agree with Col.^o Wadsworth when he says "that the state of the supplies, and of their distribution can never be known here" unless all requisitions pass from the seat of Government; for let the order proceed from what source it may, the receipt of the articles obtained, being given to the ordnance officer in command, would readily find its way to the city of Washington, and thus afford every necessary information: such a course could not derange the department much, and if it did, it would be better so, than that the country, as might happen by a converse arrangement, should be lost or sustain an injury; or indeed that a superior should be referred to the judgment of an inferior officer.

In ordinary cases, in every page of military subordination, inferior officers are required to obey their superiors; but under the present construction a subaltern is constituted a judge for his commander, with permission to determine even where danger and necessity requires him to act. Surely such an absurd construction of the rule will not be persisted

to exert. I am Sir with due respect and Esteem

Your most obedient servant

(Signed) Andrew Jackson

Major Genl comdg
D. of the South

The Honble
J. C. Calhoun
Sec of war

General Jackson to the Secretary of War

Head Quarters Nashville
27th April 1820

Sir

A Letter has been received from General Gaines enclosing certain Documents relative to the illicit introduction of Negroes and free People of colour into the U States on the Southern Frontier of Georgia; accompaning which is a report of Maj James Bankhead on that Subject all of which Documents having been Sent you by General Gaines I have deemed it unnecessary to forward them.

I shall be happy to give effect to any measures you may direct to be taken up on this Subject

I have the honour to be
Very Respectfully
your Obt Servt
(Signed) Andrew Jackson
Maj Genl Comg

The Hon
J C Calhoun
Secy of War

General Jackson to General Bissell

Division of the South
Head Quarters
Nashville 15th May 1820

Sir

Your letter of the 27th ult with its accompaning documents has been received in reply to which I will express to you my approbation of the manner in which you complied with the requisition of the Governor of Louisiana.

Though as a general rule I could never acknowledge the right or propriety of the Governor of

of a State to require the aid of the U States Troops to secure or protect any prisoners confined within the limits of the State over which he presides unless it should be clearly manifested that the Militia of such State is incompetent to the discharge of the duties required.

I am Sir
Very Respectfully
Your Obt Servt
(Signed) Andrew Jackson
Maj Genl Comdg

Brigr Genl
Saml Bissell
Comdg 8th M Dept

To the Secy of War

Division of the South
Nashville July 8th 1820

Sir

In conformity with your instructions of the day of March last, I have ordered Capt Easter to return to Washington & settle & close his Public accounts so soon as he can compleat perfecting his Vouchers; – he advises me that he has written to Major Davis asst Inspt Genl Georgia & several other officers whose answers are important to him in settling his accounts – that he has expected the receipt of them for some time, but as yet, they have not reached him. Capt Easter lies very sick at present, and requests that he may be indulged in not returning to Washington untill the first of Octr next. will you grant him this indulgence? – he states that it will take him some time yet to prepare his accounts, should he be soon restored to health so as to attend to the arrangement of them.

I will thank you to reply as soon as this reaches you, whether Capt Easter can be indulged as he has requested, to the 1st of Octr next.

I am Sir with due respect
yr mo. ob. Servt
Andrew Jackson

The Honble
J. C. Calhoun
Secy of War

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Florence Alabama
May 20th 1820

Sir

The Commanding General having been informed that many of the causeways on the North end of the Military Road have been destroyed by fire or other means, directs you will employ your whole Detachment (or a Suf=ficient number thereof to effect the purpose) in repairing the Causeways and Shrubing [illegible] the Road as far as the Tennessee River.

Lieut Dumnett of the Corps of Artilery with a Detachment of Recruits will be ordered to commence the same duties on this end of the Road and proceed on until he unites with your Detachment.

Those Troops of your Detachment whose Services will not be required on the Road will be left at the Tombigbee to prepair Boats to enable you to descend the River when the Road is completed.

I am
Sir Respectfully
your obt Sert
R K Call
A D Camp

Capt R Humphreys
or Officer comdg the
U.S Troops at Tombigbee

Capt Call to General Bissell

Florence Alabama
20th May 1820

Sir

I have the honour to forward for your information the enclosed Copy of a letter to Capt Humphreys, from which you will discover the dispositions which the Commanding General has made for the present of Capt Humphreys detachment.

I am Sir
Very Respectfully
Your Obt Svt
R K Call
A D Camp

Brigd Genl
Danl Bissell
Comdg 8th M Dept
New Orleans

Capt Call to General Bissell

Florence Alabama
22d May 1820

Sir

I am directed by the commanding General to acknowledge the receipt of, and reply to your Letter of the 3d Inst which has just been recieved.

The Military road is reported by Col Clinch to be completed with the exception of a few Causeways which it will be necessary to erect. When this duty is performed it is thought most advisable to remove the Troops to the Post of Chistianas or the Ripley Barracks, where they will remain subject to such further orders as you or the commanding General may think proper to give.

Relative

Relative to the furlough of Col Clinch the Commanding General has no objection to his indulgence but deems it most proper that it should be suspended until the measures adopted by our Government in relation to Spain are known.

If at the rise of Congress no orders are given for the occupation of Floridas he will approve your indulgence to Col Clinch

I have the honour to be
Yours Respectfully
R K Call
A D Camp

Brig^r Genl
Danl Bissell
Comg 8th M D
New Orleans

Captⁿ Call to Captⁿ Humphreys

Head Quarters Florence
June 15th 1820

Sir

The Commanding General directs you will detail from your Detachment, a confidential Subaltern and 20 Select men armed and equipped for active Service.

This Detachment when detailed you will order forth to repair to the (Military) ferry on the Tennessee River where it will be halted and reported by Letter by the officer commanding to the General of Division at Nashville.

This Detachment is destined to remove the Intruders from the Cherokee Land, and after reporting himself the Officer commanding will be furnished with the necessary funds for the Subsistence

and

Transportation of his Command Detachment, and the Order by which he will be governed.

The Commanding General has heard with regret and astonishment, that the instructions contained in my Letter of the 20th of May, directing repairs to be made on the Military Road have not been complied with. By those instructions it was required that a sufficient number of Troops to effect the object should be employed "in repairing the Causeways and Shrubbing out the Road as far as the Tennessee River." As far as I have been on the Military Road, none of the Shrubs have been cut out and I am informed by those who have travelled ~~the~~ it that this duty has been neglected at every point. I am therefore directed by the commanding General to reiterate the Order contained in my Letter of the 20th of May, and require of you to recommence with your Detachment at the Tombigbee River, and put in the most complete repair all the Bridges and Causeways, cut out the Shrubs, remove all obstacles, and ~~put~~ prepare the Roade as far as the Tennessee River for the passage of the Mail Stages if ordered by the Government.

Col Clinch informed General Jackson under date of the 23 Ult that you had been ordered to comply with the instructions contained in my Letter of the 20th of May and the Commanding General regrets extremely that he should be under the necessity of repeating those instructions.

Capt. R Humphrey
Comdg Detacht U S
Troops at Columbus

By Order of the Comdg Genl
I have the honour to be &c
R K Call
A D Camp

General Jackson to the Secretary of War

Florence June 15th 1820

Sir

In my Letter from Nashville I advised you of my intention of Visiting the Military, and from thence to make an incursion along the Frontier of the Cherokee and Creek Nations to inform myself whether the Intruders had removed from the Indian Land agreeable to my notification and that of the Agency. After passing the Tennessee River I learned that many had removed, but that many still remained. desirous to spare the Troops a long and fatiguing march at this Season of the year, I determined to take a reconnaisance myself, hoping my presence would induce them to remove without military compulsion. In the mean time I directed a detachment of the Troops engaged on the North End of the Military road, to be ordered to return to the Tennessee River repairing the Bridges and Causeways and Thinning the Road with the intention if found necessary to order a part of this detachment to remove the Intruders.

On this excursion through the Cherokee Nation, I found a great many intruders and those on the North Side of the Chatahoo-chie not only numerous but insolent and threatning resistance, being informed that a large number of the Intruders who had been removed, their Crops and improvements destroyed last year on the Creek frontier had returned. I proceeded

See p. 109

and Woodbine to the use of Arms and who will fight desparately if well commanded when protected by strong Walls. I am advised the Regular Strength is 500 & I hope shortly to be in possession of their Strength that may be relied on.

I have thought it my duty thus to explain the reasons which governed me in forming the plan of Campaign which I forwarded to you of date the 10th Inst. I have only to add that if any other plan should be prefered by you I will endeavour to do my duty, and do as much with a few Troops as I can, and wield them to the best of my judge=ment for the benefit of the Nation and the pro=tection of the frontier, should I continue to command.

Great care should be taken to prevent disaster or defeat at every point. such an event would be wielded by the enemys of the Admin=istration and the Army with all the force & ingenuity their malice could invent.

From my letter of the 17th Inst. you will find I anticipated the delay which would take place in Congress on the Florida question and have continued the Detachments on the Military road with orders to be in readiness to move at a moments warning.

The 7th Regiment of Infantry will remain at Fort Scott until I learn from you the deter=mination made on the plan of Campaign proposed and submitted on the 10th Inst. therefore no expense has or will be incurred. more than has been necessary to con=centrate the Regiments at their respective head quarters.

The Hon

Yours &c &c

J. C. Calhoun (Signed) Andrew Jackson

Secy of War Major Genl. Comdg

Captain Call to Lieut Lyman

Hermitage 30th Jan 18

Sir

By the receipt of a Letter from Col. McDonald. General Jackson has just been informed, that many public accounts have been contracted by you in the Neighbour=hood of the Big Spring which are yet unpaid.

The Commanding General directs that you will return to the Big Spring as soon as the good of the Service will permit, and as far as your funds will enable you, discharge all debts which you have contracted on account of the Commiss=sary Department, both for the purchase and transportation of Supplies.

You are further directed to furnish the Commanding General, with an abstract of all debts contracted, and of your receipts and expenditures of public monies, since you commenced the duties of your present office.

I am Very Respectfully
Your Obt. Servt
R K Call
A D Camp

Lieut Robert Lyman
South end Military Road

General Jackson to General Bissell

Division of the South

Head Quarters
Nashville 21st Jan 1820

Sir

By the arrival of a Gentleman from Alabama I have just been informed of the removal of the Troops from the North end of the Military Road. I have received no Official information on this subject, neither can I concieve any necessity which will justify this precipitate movement. You will cause this report to be investigated, and should it be found that the Detachment under the Command of Captain Humphreys has been withdrawn You will order it forthwith to return to the point from which it was removed. and recommend its former Occupation. You will ascertain the Officer by whom this Order for the removal of this Detachment was given. and report him with out delay to the Adjt General of Division

I am Very Respectfully
Your Obt Sert
Signed Andrew Jackson
Maj Genl Comg

Bt Brigd Genl
Danl Bissell
Comg 8th Mil Dept
New Orleans

Capt. Call to Capt. W. C. Beard.

Head Quarters
Nashville 4th Feb. 1820

Sir

Your letter of the 14th Ult. has been recieved by the Commanding General, who bids me say to you in reply, that he cannot grant a furlough to any Officer of the Army without his having previously obtained the consent of his immediate Commanding Officer.

When the situation of the 8th Military Department will will warrant its Commanding Officer, in granting you leave of absence or in ordering you to Washington for the settlement of your accounts it will meet the approbation of ~~the Commander~~ General Jackson.

Very Respectfully
Your Obt. Servt.
(By Order) R K Call
A D Camp

Capt. W C Beard }
U S 1st Infantry }
Baton Rouge }

General Jackson to Col. Atkinson

Division of }
the South }

Head quarters
Nashville, Feb. 21st 1820

Sir I have the pleasure to inform you that I have received your letter of the 30th of December last with its accompanying documents.

I am gratified to learn that your Troops at Cantonment Missouri maintain their health, and that the Barracks and quarters as early as the 20th of Oct. were

nearly

nearly completed. which would insure not only comfort to the Officers and Soldiers, but being in quarters before the inclemency of the Winter set in would insure the continuance of the health of your Troops, of all things the most desirable and important. for without health Troops cannot operate.

The promptness and zeal with which you have proceeded in all things appertaining to your Campaign reflects the highest credit on you your Officers and men and forbodes a happy consummation of the designs of Government in completing the Campaign during the present year; which will redound much to the credit of the Government which planed, and the Officer who executed it. And will to my great gratification hurt (?) dread its enemies.

The plan you have adopted and the instructions given to Maj. Bradford to prevent our Citizens from hunting and Trapping on the Indian land meets my approbation. How far the Governor of the Territory is authorized by the Genl Government to give such permits to the our Citizens, I am not advised; but certainly it is your duty to prevent as far as you have the means, a violation of the laws regulating intercourse with the Indian Tribes and should our Citizens be found on the Indian land they ought to be arrested and handed over to the civil authority to be delt with according to laws. If foreigners after due notice

should

should be found amongst the Indians
they ought forthwith to be arrested confined
and immediate notice given to the President
of the U. States. and they held in confine-
=ment until his instructions thereon have been
received. as I do not conceive that they are
subject to be tried by any civil authority. But
on this point you will be governed by the in-
=structions, given in the General Order from
the City of Washington. preparitory to your
entering on the duties of Campaign; which
I have not before me or can I at present re-
=fer to them. I well recollect that my Genl
Order was to hang all foreigners found a-
=mongst the Indians. after due notice not
having a passport signed by some com-
=petent authority of the U States. But by
the order of the President they were directed
to be arrested and reported to him.

You will therefore please to consult your
instructions on this head. and if my
recollection of them be correct, you will
forth instruct Maj: Bradford (as to foreigners)
that he arrest confine, and report them to
the President of the U States, and await
his instructions thereon; The Citizens to
arrest and hand over to the civil authority

The other instruction given to Maj Brad-
=ford are approved. You certainly were
correct in the respect shewn to the authority
of Governor Miller. it will have a good
effect and in all cases. the civil autho
=rity ought to be treated with respect by
the military. that as far as our rights
and

and duties will permit harmony may prevail. The opening of the contemplated road is of great importance under every view of the subject and you could not have confided it to a more attentive or energetic officer than Maj Bradford.

I have read and examined the field notes with the Topographical sketch of the road from Council Bluffs to Chariton, with much interest. It is of great importance to have this road completed as early as possible, and fully meets my entire approba=tion, as well as that you propose open=ing to the mouth of St Peters. All our Posts ought to be connected by good roads where that is practicable; that if invested by an enemy speedy relief might be afforded and land and constant commu=nication by express kept up with the Garrisons without waiting for the tardy and uncertain communication by water. You will therefore proceed and carry your whole views into effect as early as possible.

I will be only add that the only reward in our Government, for meritorious services is the ap=probation of our Country; for me to have with held a just meed of approbation and praise for the prompt and faithfull discharge of the important du=ties assigned you, and which you have executed with under every disadvantage with a promptness of execution never surpassed would have been doing injustice to your merits and your

my

my feelings. and you will permit me here to add: that your whole conduct has not only met with my approbation but that of your Government.

Accept Sir the assurance of my high respect and esteem.

Col.
H. Atkinson
Comdg. 9th M. D.
St. Louis

(Signed) Your Ob. Servt
Andrew Jackson
Maj Genl. comg

General Jackson to the Secretary of War

Division of
the South

Head Quarters
Nashville Feb 28th 1820

I have the honour to acknowledge the receipt of your letter of the 5th Inst. which I have read with attention and duly noted its contents.

I am called on by Col. Meiggs for a military force to remove the intruders from the land reserved to the Cherokees by Treaty.

I have no troops within less distance than from 250 to 300 miles, and from the con=fidential order of the President, I am bound to keep the Troops ready to operate when required. I therefore write you for instructions. I have notified the intruders of the call of Col. Meiggs. and that I will forthwith order a command on that service. and every white man found on Cherokee land after the 25th of March will, with his stock of every kind be arrested and handed over to the civil authority to be dealt with agreeable to

Laws

lans except those who hold a permit from the Agent. that alone being evidence that they are not intruders. I have seen some Rules and regulations adopted by the Nation for its Government. Amongue which I find that Whitemen to become Citizens of the Cherokee Nation. must be married to a Cherokee Woman by a ~~regular~~ Clergyman duly authorized. this I think a good regulation

But in removing intruders we can know only those holding the Agents permit as being legally there. and this alone ~~a~~ ought to be the evidence. For many bad white men are induced to go to the Nation by the enticements of the Indians and after the Indians ~~find~~ fall ^ them out with them they call on the U States to drive them out. Therefore no white man ought to be permitted to go into the Nation without a permit from the Agent; and as long as he holds this permission he ought to remain and no longer

Certainly the Agent could arrest & deliver over to the civil authority any white man or Indian transgressing the Indian light horse would execute any order given by the Agent. I found no difficulty in 1817 in keeping every thing in good order with this force alone. and arresting some very turbulent Spirits. I do realy believe the Agent could maintain tranquility and the observance of the laws by the Indian light Horse being

accompanied by the Gab Agent which would not only save considerable expense, but the Troops from a long march, perhaps to arrest not more than one or two individuals. however on this subject I await your instructions

I am Sir with great respect your Ob. Servt.
(Signed) Andrew Jackson
Maj Genl. comdg.

The Hon
J C Calhoun
Secy of War

General Jackson to General Bissell

Division of the South
Head Quarters
Nashville 28th Feb 1820

Sir

Your letter of the 14th Inst. has been received. The explanation given, and the feelings expressed on the subject of the removal of the Troops from the North end of the Military road are entirely satisfactory. I am convinced you have too much respect for your reputation as a Soldier to violate the orders of a Superior Officer intentionally; and I am much pleased to learn that the detachment of Capt. Humphreys has been ordered to return to its former position with such despatch.

The completion of the Military road is an object of the first importance. It should long since have been completed. The progress made on the

South and during the last twelve months has been terrual in the extreme. I must here request your particular attention to this subject. and that every exertion may be made to have it completed as early as possible.

Application has been made by Capt Gadsden of the Engineer Department, for twenty convicts to be employed on the Fortification at the Petite Coquille. If that number can be dispensed with from the different Posts within your Department. I wish the requisition of Captn Gadsden complied with.

I am Sir
Very respectfully
Your Obt Sert
(Signed) Andrew Jackson
Maj Genl comg

Bt Brig'r Genl
Danl Bissell
Comg 8th M Dept
New Orleans

General Jackson to General Gaines

Division of the South
Head Quarters
Nashville 28th Feb 1820

Sir I have the pleasure to acknowledge the receipt of your letter of the 25th ult. enclosing an extract of a letter from Maj Dinkins dated 8th Jan 1820.

I have been advised by Captn Gadsden of the repairs of the Barrancas. and the erection of a redoubt on the site occupied by our Q. Tr in 1818, and of a reinforcement sailing from Cuba for Pensacola

Their

144

This with the information contained in the report of Maj Perkins of the 8th of January last; leavs no room to doubt of the intention of Spain to attempt to hold the Floridas. I have received a letter from the Hon. Secretary of War of the 5th Inst from which I inclose you an extract, from which you will find that nothing more can be done at present, than to hold the Troops in readiness for a prompt movement, this you will pleas conform to.

The conduct of our Government towards Spain is truely magnanimous She disdains to attack her untill She is perfectly prepared. to enable her to make an honorable defence. that american prowess may be elevated in storming her strong work. and that our best blood may flow copiously in regaining those Posts which we once occupied.

The Secretary of War under date of the 5th Inst. informs me that Col. Brearly will be appointed Agent to the Cherokee Indians on the Arkansas River, in consequence of which he will resigne his appointment in the U States Army.

I am Sir with
Sincere respect
your Obt Servt
(Signed) Andrew Jackson
Maj Genl. comdg

Brevt. Maj Genl.
E. P. Gaines
U States Army
Augusta — Georgia

General Jackson to the Secretary of War

Division of the South }
Head Quarters
Nashville 2d March 1820

Sir

I received on (yesterday) the inclosed letter from Maj Nicholas with its accompanying documents marked from ~~one~~ 1 to 4 inclusive, which I herewith forward for your perusial.

I assure you I read them with some astonishment and particularly that part of the Surgeons report which states "the Commanding General directs that they (the Troops) hut no more" had he explained that the Troops were forbiden to go in to ~~Winter~~ quarters for the winter he would have stated truely - as I had thus ordered believing as I do that the winter season in that mild Climate is the best for opening roads. If the reporting Surgeon means to convey the idea that the Troops were forbiden by me to raise temporary shelters for their covering when they had no Tents then he is incorrect.

The Adjt. General of Division received a letter from Captn. Humphreys of date the 27th of Oct a Copy of which is here enclosed marked (B) in which he stated his intention of going in to Winter Quarters I directed the Adjt. General to order him not to go in to Winter quarters but to progress with the road though ~~it~~ was never my intention

to

to deprive this command of the comforts afforded by the erection of temporary Shelters. as will appear from my letter to Capt. Humphreys of the 5th of January. a Copy of which marked (C) is herewith enclosed.

I enclose you also a Copy of the letter of the Adjt. General to Capt Humphrey on this subject marked (C) and dated the 19th of November 1819. I will here remark that that part of the Adjt. Genl's letter which relates to the subject under consideration is badly expressed; and it is stated that the Secyt. of Col. Butler in copying left out the words "for the winter" after the word "men". which if inserted would have made the order read, thus; the General forbids your hutting your men for the winter as going into winter quarters was the subject in view. this alone was forbidden. And surely it cannot be fairly infered that the erection of temporary Shelters. if the Soldiers were without Tents was forbiden by this order. and in this way has Capt. Humphrey construed it for we find from the statement of Judge Advocate Hays. that he found them hutted on the 15th of December last. and the fatigue party with Tents. and at the time the Surgeon makes his report they were still hutted. Though in his report he says nothing about Huts. How the Doctor will be able to reconcile the real facts with his report I am unable to foresee. I do presume the Doctor wanted to get in to winter quarters

and

and being disappointed in this he made a report to gratify his feelings leaving real facts out of view and discoloring others. On that part of his report which relates to Maj Nicholas payin the detachment in uncurrent notes. I have to state that I was in the Alabama in the month of March last I had nothing but Nashville paper with me. I found it current for all articles in Market, and My Aid-de-Camp Capt Call, proceeded to the Detachment on the Military road, he had nothing but Nashville paper. I enclose you his Certificate marked (C). I was again in Alabama the latter end of December last and purchased Pork and Corn with Nashville paper at the lowest Cash prices, and found it current for all purposes of purchases, of any article in Market. And I am informed that in the Indian Nation on the Public road it is as currents among the Indians as any other paper. I can with freedom state that it is the first complaint I have ever heard against Maj Nicholas as paymaster.

So soon as I hear that the Detachment has returned to this end of the military road I shall visit them

I am Very respectfully
Your Obt. Servt.
(Signed) Andrew Jackson
Maj. Genl. Comdg

The Hon
J. C. Calhoun
Secretary of War

Division of
the South

Head Quarters
Nashville 9th March 1820

Sir

Your letter of the 17th Ult has been received. I regret extremely the embarrassed situation of Casters accounts of which your letter contains the first information I have received. Capt. Caster has not yet returned to Nashville but is daily expected, as soon as he arrives his attention shall be directed to the Subject on which you have written.

I enclose you herewith a Copy of a letter from Maj Sivkins. from which you will find that the Governor of Pensacola is making arrangements for ~~offen~~sive operations, which justifies the belief that there is no intention on the part of Spain to comply with the articles of the Treaty. And if the Governor of Pensacola is permitted to carry on his works for Six months longer, it will cost the Government much blood and Treasure to reduce that Post.

I have the honour to be
Respectfully
Your Obt Servt
(Signed) Andrew Jackson
Maj Genl comdg

The Hon
J C Calhoun
Secy of War

Division of the South

Head Quarters
Nashville 25th March 1820

Sir

The enclosed documents numbered from 1 to 5, inclusive, will inform you of the removal from, and the return of Capt Humphreys to the North end of the Military road. About the 31st of January last I was informed of the withdrawal of the Troops from the North end of the road, contrary to my orders as will appear from the acknowledgement of General Bissell in his communication of the 14th Ultº a copy of which (No 2) is herewith enclosed, but I deferred making a report of this circumstance untill I could obtain further information on the subject. I have just received a letter from Capt Humphreys (of which No 5 is a copy) informing me of the return of his detachment to its former point of operation, and I am now in hopes that the road will be soon completed. For particular information relative to the progress already made in opening this communication I must refer you to the report made by Lieut Graham on the North end, and by Lieut Scallan on the South end, it appears from the statement of Lieut Scallan, that much time and Labour has been unprofitably spent on the road which General Ripley directed on his own responsibility to be opened from the Bay of St Louis

to

to intersect the Military road, and which if properly applied would have been sufficient to complete the latter.

Neglect of duty and inattention has occasioned a shameful delay in the completion of this road. But the prompt attention of General Bissell has restored order and Subordination the Troops are now actively engaged employed, they are well supplied with every thing necessary except transportation, which from the want of Quarter Masters funds is difficult to procure they are in good health and in a few months I hope will complete this much desired object.

For further information relative to the payment of this Detachment by Maj Nichols I beg leave to refer you to the Statements of Col Lindsey, Lieut Massey, and Mr James Jackson of Alabama, which have been this day forwarded by Col Butler to the Adjt & Inspector General, and which will prove beyond a doubt the falsity of the report of Doctor Sivett.

I am Sir
Very Respectfully
Your Ob^t Servt
(Signed) Andrew Jackson
Maj Genl Comd^g

The Hon
J C Calhoun
Secretary of War

General Jackson to the Secretary of War

Division of the South

Head Quarters
Nashville 31st March 1820

Sir

I have the honour to acknowledge the recipt of your Letter of the 15th Inst.

I recieved by last mail a Copy of the report of the Committee of Foreign Relations which you had the goodness to enclose me from which I did infer that the Congress of the U States, viewing with just indig=nation the conduct of Spain and the humiliating situation of our Country by submiting to her injuries and insults would act promptly. But you may be assured that I ~~will~~ shall continue road cutting until I recieve your orders for a move=ment, keeping my Troops ready to reduce the Barrancas in Sise there after. I would barely remark that an operation against Pensacola and Barrancas and possession thereof, would procure for our Troops a healthy Summers Cantainment and every thing could be in readiness to move against St. Augustine, as early in the fall as the Sickly Season would permit. the 4th Infantry with the dis=posable force of the 1st and 8th Regiments would be sufficient to reduce the Bar=rancas if not reinforced. The 7th Regt. would be able to protect the Georgia frontier and keep down the

Indians

Indians in check if disposed to be hostility. A movement might be made if authorized, in the month of May against Pensacolas, and the Fortress reduced before the sickly season. No expence as yet has been incurred except the transportation of the Troops to their respective Head Quarters, except by the re=moval of the Troops from the North to the South end of the military road, which originated from a mistake of the Comg officer of the 8th Military De=partment.

I have only to add that as long as I hold the command no expence will be incurred or movement made with=out your order

I am Respectfully
Your Obt. Servt
(Signed) Andrew Jackson
Maj Genl Comd

The Hon.
J. C. Calhoun
Secretary of War

Division of the South } Head Quarters
Nashville 6th April 1820

Sir

Your Letter of the 17th Ult with its enclosure has been received.

The enclosed Copy of an order to Capt. Camp directing the transfer of the funds in his hands to Capt. Wirt, contains the only information in my possession relative to the subject on which you have written. Captain Camp has been dead for several years, but I presume his father (to whom I have written on the subject) the receipt of Capt. Wirt A. D. Q. M. General, for the $25000 which Capt. Camp was directed to deliver him.

As soon as I am informed on this subject you shall be duly advised.

Yours Respectfully
(Signed) Andrew Jackson
Maj Genl Comg

P.S. By turning to Capt. Wirts accounts with the United States, I expect you will find that he has charged himself with the amount when the order was given to Capt. Camp. Capt Wirt was present, and I understood that the money was paid over as ordered, and Capt. Camp was ordered to forward to the War Department one of the duplicate receipts, which I supposed he had done, never hearing any thing on the subject until the receipt of your Letter.

Signed A. J.

Peter Hagner Esqr
3rd Audr. Dept.

Capt. Call to the Secretary of War

Head Quarters

Nashville 7th. April 1820

Sir

I am directed by the Comg. General to inform you of the return of Capt. Easter to this place, who will be directed to repair to Washington as soon as his Vouchers are prepared for a final settlement with the Government.

The enclosed letter is written by a young Officer of intelligence, and is respectfully submitted to your consideration. As Baton Rouge is designed for the principal Military Depot of the South it may be important to have it united with the military road by a direct route.

I have the honour to be

Very respectfully

Your Obt. Servt.

R K Call

A D Camp

The Hon
J C Calhoun
Secy of War

Capt. Call General Parker

Head Quarters

Nashville 12th. April 1820

Sir

I am directed by General Jackson to request of you the favour to send him a Copy of the proceedings of the Court Martial in the case of Col. Brooke late of the 7th. Regiment of Infantry.

And

and an Official Statement of the aggregate strength of the friendly Creek Indians employed during the Seminole Campaign, with the numbers names and ranks of the Staff Officers belonging to the Indian Brigade Commanded by Genl. McIntosh

I am Sir
Very Respectfully
Your Obt. Servt.
R K Call
A D Camp

Bt. Brigd. Genl.
Saml. Parker
Adjt. & Inspect Genl.

General Jackson to General Bissell

Division of the South

Head quarters Nashville
15th April 1820

Sir

Your Letter of the 14th Ulto. which contained the first information I have had relative to the abandonment of Fort Claiborn has been received. This post I presume however was of little importance and I approve highly of your not having erected an other Fort in that Section of Country, without a Special Order from Government for that purpose, unless you Should deem it absolutely necessary for the protection of the Frontier. The limited appropreations provided for the completion of our Fortifications, will not justify any additional expenditure from that fund.

I am much pleased to learn that the Post of St Philip is in so good a State of repair and I feel well assured that your energy and attention to duty will soon restore order and regularity in your Department which was lately completely disorganized.

I am Sir
Very respectfully
your Obt. Servt.
(Signed) Andrew Jackson
Maj Genl Comdg

Brigd. Genl.
Saml. Bissell
Comdg 8th Mil. Dept

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General Jackson to Capt.n Humphreys

Head Quarters
Nashville 12th April 1820

Sir

Yours of the 4th of March was received a short time since, and a Copy thereof forwarded to the Department of War.

I am pleased to hear of your return to the north end of the Military road, and feel assured that every exertion in your power will be made to progress with the road as rapidly as the means afforded will enable you.

It is not in my power to grant the furlough which you have requested, as I have made it a rule never to interfere with the internal regulations of any Corps under my command. If you can obtain the permission of the Commanding Officer of your Regiment and of General Bissell I have no objection to your indulgence for a limited period provided ~~your~~ a competent officer can be ordered to relieve you in your present command.

Respectfully
your Obt. Servt
(Signed) Andrew Jackson
Maj Genl comg

Capt R Humphreys
8th Regt. Infantry
north end M Road

the ~~Art~~ Artillery can not be employed in the field without their places being supplied in Garrison by an equal number of Infantry. From the delay which must necessarily be attendant on a debate of this subject in Congress. Spain will have full notice of our movements and intentions in relation to the Campaign; We can not therefore calculate on effecting much by forced marches and secret movements. We must depend on our own resorces to effect the object and expect an obstinate defence by the Garrisons of Spain.

The forces in my Division which may be employed in active Opperations are the effectives of the 1st 4th 7th and 8th Regiments of Infantry. which from the last returns will form an aggregate of 1568. from which we cannot calculate an effective force in the field of more than 1000 or ~~twelve~~ hundred men.

The Garrisons of Pensacola and Barancas if not reinforced may be estimated at 500 regulars and 300 Militia which will make an effective force of 800 men. The Barancas is a strong Fortress and the Spaniards have been for some time and are now engaged in adding to its defence. They have recently erected an auxiliary Battery on the position occupied by our 9 Pd Battery when the Barancas was taken in 1818. The works of the Barancas are calculated for a Garrison of 350 men. St Augustine is one of the Strongest Fortress in the World with the exception of Quebeck and Gibraltar, its works however if not repaired are in a state of decay but its local situation adds greatly to its strength

if

if not lately reinforced its Garrison may be estimated at 500 Regulars, and 300 Militia. in addition to this force we may calculate on 300 Negroes and as many Indians as can be seduced by Spanish bribes and persuasions. I think the aggregate force of Regulars Militia Indians and Negroes may be estimated at 1700, which if brave, and gallantly commanded would be able to defend it against 5000 best Troops of any Nation.

St Marks is a strong place its defence was not complete at the time of its capture but our Troops added greatly to its Strength it is Garrisoned by 250 men and if well defended it will cost many lives to take it by Storm. It is situated on the extremity of the point formed by the confluence of the St Marks and Wacullas Rivers. A Ditch of considerable width and depth unites the two Rivers in its rear, and by the waters of which its base is washed on every Side. Its walls are built of Stone and where com=pleted, are thirty feet high. this must be taken by stratigim or regular Seige. it would cost a thousand lives if well defended to take it by Storm. From this view of the Subject and to effect the object of the Campaign without desaster. My plan of Campaign is, to leave the 7th Regt at Fort Scott to cover fort Gadsden and overawe the Indians and the Garrison of St Marks. The Troops of the Northern Division to be landed at Blakely on the Mobile Bay and marched from thence to Fort Montgomery where they will be joined by the 1st 4th and 8th Regiments of the Southern Division and march immediately

to

to invest Pensacola and Barancas. after the re=
=duction of which the whole force with the excep[tion]
of a sufficient Garrison for these posts will be
reembarked on board of the Transports and sail
for the Bay of Apalachicola, from whence
a part of the force will be ordered to Fort Gads=
=den to unite with the 7th Regiment which will
be ordered to that Post after the reduction of
of Pensacola. this force when united will march
across the Country and invest St Marks in the
rear. with a view of cuting off all commu=
=nication with the Indians. should they be
disposed to aid the Garrison; while the remain=
=der of the Troops. with the Supplies. and Ordnance
& Ordnance Stores. will be conveyed to the Bay of
St Marks. A strong Naval escort will be re=
=quired for the protection of our Transports
and may be advantageously employed in the
reduction of St Marks and St Augustine.
After the reduction of St Marks it will be
occupied by a sufficient Garrison and the
remaining ~~of~~ force will sail immediately for
St Augustine. Thus by attacking the Posts in
detail. I hope our concentrated force will be
adequate to their speedy reduction. Should this
plan be approved. it will be necessary to place
in Depot at New Orleans 20000 Rations. with
Transportation in readiness to convey them to
any point where they may be required. Transpor=
=tation for the 1st and 8th Regts from New Orleans
and the Bay of St Louis. and for part of the
4th and 7th from Pensacola and St Marks
will be also required. The Ordnance and
Ordnance Stores estimated for the reduction
of

of Pensacola and Barrancas should be transported to the Bay of Mobile at the time the Troops land at Blakely; but it is not contemplated to transport by land more than 15 days Rations for the Army; and none of the Ordnance and Ordnance Stores except the 2–12 P.rs and two Howitzers with fifty rounds of Ammunition for each. The heavy Ordnance should remain on board the Vessels which may be safely an=chored in the Bay of Mobile until the Barran=cas is invested, after which the supplies of every kind may be transported to and landed at the mouth of the grand Lagoon near the Barrancas from whence they can be conveyed with little labour to the po=sitions where they will be required.

I deem it necessary for a depot of 200000 Rations to be established at Savannah St. Maries or Amelia Islands, the latter would be the most convenient point but the deposite should not be made at that place unless the strength of the Garrison and Fortress will insure its protec=tion. for if the Governor of St. Augustine is a military man he would hazard much in order to destroy our Supplies.

The accompanying Document (A) is an estimate of Ordnance and Ordnance Stores required for the reduction of Pensacola, Bar=rancas and St. Marks; For the necessary supplies to be employed against St. Augustine I refer you to the requisition of General Gaines I think it an ample supply. and it should be deposited with the Rations at a point from whence it may be conveniently trans=ported to St. Augustine. Document (B)

continues

contains an estimate of the Teams which will be required at Blakely for the Transportation of the Field Artillery and ammunition and which it is supposed will be sufficient to remove the heavy Artillery from the point of disembarcation to the Position it will occupy in Battery. It is however requested that a large contingent fund may be placed in the hands of the Quarter master to ~~supply~~ furnish an additional supply should a deficiency exist. It is im=possible at present to form an estimate of the Teams which will be necessary to transport the Ordnance and Ordnance Store to St. Augustine as it must depend entirely on the point of Landing; if we can suc=ceed in carrying Fort Matanzies at the South=ern extremity of St. Anastatia Island and effecting a passage up the South River we can invest the Fortress without transporting an Ordnance more than three miles by land which will be an ~~—~~ emence saving of time, money, and Labour. But if this cannot be effected we shall be compelled to land at the mouth of the St. Johns River from whence to St. Augustine we shall have a land transportation ~~of~~ 40 Miles. I wish ample funds to be placed in the hands of the Quarter Master to supply ~~any~~ any contingency and particularly to furnish such transportation as may be deemed ne=cessary on our arrival at St. Augustine. I would recommend that the Transportation which brings round the Troops from ~~from the~~ North should not be discharged on landing

there

them at Blakely but be held in readiness for the reembarcation of the Troops at the Barancas after the reduction of that place. I have made a requisition for 100000 Rations from a calculation that I might be 75 days employed in the reduction of the Spanish Posts west of Cape Floridas; but with the smiles of Heaven I hope not to be half that time engaged, and our movements and Opperations will be greatly facilitated by ~~having~~ having Vessels ready for our transportation from Post to post as soon as our work is completed.

Should it be found that Vessels cannot ~~enter~~ enter the grand Lagoon as proposed in this plan we shall be compelled to transport our Ordnance by Land from the Bay of Mobile, which will require a greater number of Teams than that ~~required~~ mentioned in my estimate. I am of opinion that light Vessels can enter the Lagoon with little difficulty; but for information on this subject I refer you to Col. Gibson who I believe is well acquainted with it.

I have the Honour
to be Very Respectfully
your Obt. Sert.
(Signed) Andrew Jackson
Maj. Genl. Comdg.

The Hon
J. C. Calhoun
Secty. of War

P. S. for more particular information relative to the Strength of the Southern Division. I refer you to the report of my Adjt. General for the quarter ending 31st Oct. 1819 —

Head Quarters
Nashville 17th Jan 1820

Sir

Immediately on the receipt of the confidential communication from the Department of War Orders were given to carry promptly in to effect the preparatory measures directed. In this order viewing the delay necessarily attendent on the discussion which this subject will produce in Congress; I did not deem it advisable to withdraw the Troops employed on the military road. but to hold them in readiness to move at a moments warning: and at the same time to progress with the work in which they are engaged. They have been instructed accordingly. And on the receipt of your final Orders for the Campaign the Detachment on the South end of the Road will be marched to the Bay of St Louis where they will be embarked, and the Detachment on the North end of the Road will move direct (viae) St Stephens to the General rendezvous at Montpelier.

I regret to say to you that the gracest neglect of duty has been manifested on the South end of the Military road. If promptly attended to it would long since have been completed, In short Sir General Ripley left the 8th Military Department in an entire State of disorganization. The Officer Maj McIntosh whom he had invested with the Comd on the South end of the Road; from his disorderly conduct and habits of dissipation has made it necessary for me to order his arrest. Whether the 8th Military Department was

whether by General Ripley in its late State of disorganization with a view of aiding those in their Opposition who are unfriendly to the Army, I can not say; but whether through design or other ways, it was left in the most deplorable Situation.

Prompt measures have been adopted to replace this Department in its former respectable Standing; and the energetic conduct of Maj Many who relieved General Ripley in command in the first instance, and the prompt attention to Orders by General Bissell, since he assumed command have restored Order and Subordination

Considering the Military Road as an object of National importance I have been extremely anxious for its completion, and if the Detach=-ments now engaged on it are not removed it will be completed in the Spring. I shall therefore continue them as long as the other views of the Government will permit, and will await Your final Orders for the concentration of the Troops before they are withdrawn.

From the Situation of these Detachments You will discover the the necessity of giving me the earliest information on this Subject, that they may be removed to the place of General Rendezvous in time to unite with the other forces

I am
Very Respectfully
your Obt Svt.
Andrew Jackson
Maj Genl Comdg

The Hon
J C Calhoun
Secy of War

~~Division~~ of the South

Head Quarters
Nashville 21st Jan 1820

Sir

Yours of the 31st Ult is just received I have read it with great attention and hasten to reply.

When called on by you for a plan of Campaign I regretted very much that I had not by me the plan of the Fortifications of St Augustine and its dependencies. When in the year 1818 I determined to retire to private life I placed in the hands of my Friend Captain Gadsden the plan of these fortresses, believing at some day it might be of service to the U.S. in the hands of its Engineer. I had therefore to depend on my recollection of its strength in the plan of Campaign submited.

In all my military operations I have thought it best never to underrate the prowess of my enemy, or calculate on his weakness, but to depend on my own resourses for success, and to look behind as well as before, that I may be secure at all points; and never separate my forces so that my enemy might be afforded an oppor=tunity of destroying me in detail.

The pursuit of this plan has hitherto crown=ed me with success in all my operations and secured me from disaster of any kind.

St Augustine has been among the strongest Fortresses in the world. some of its works have been in a state of delapidation; but have been and are now undergoing repair. Its local situation adds greatly to its strength and difficulty of reducing it. Permit me to

to remark that I am badly advised or you under rate the Strength of its Garrison of regular forces. If, I am correctly informed you should estimate this force at 500 men. The Strength of its irregular force will depend greatly on our movements against it. If a simultaneous attack is made on it and Barancas, all the Indians and Woodbines Negroes, would be brought in to the field to harrass your frontier and aid in the defence of St. Augustine.

When your Troops are engaged in operating against this Fortress, these irregulars will attack your rear with a view of cuting off your supplies and if aided by a reinforcement from Cuba might cut off your retreat and destroy your whole force before you could be relieved.

To insure Success and prevent desaster of any kind, you must have a sufficient force con=centrated to operate against the Fortress and to protect your rear and until the Matanza Fort is reduced to protect your sup=plies on land from the St. Johns the only point from which Supplies can be brought, until the occupation of St. Anastatia Island by the reduction of Matanza Fort, when our Supplies can be recieved by water through the Matanza Inlet.

When we reflect that the Commandants of St. Augustine and Barancas have been and are now engaged in repairing and Strength=ening their works, when we reflect on the tardiness of Congress we can not cal=culate on effecting much by secret move=ment or a Coup-de-main. We can

not

not expect to reach the Spanish fortresses be=
=fore they are strengthened as much as the Com=
=mandants have the means to add to them. We
ought to calculate on as obstinate a resistance
as the Commandants have the means of mak=
=ing. and expect them, to wield the disposable
forces of Cuba the best way it can be to our
annoyance and the defence of their Fortresses.
To be successful and prevent desasters of any
kind we ought to make our arrangements acco=
=dingly. and calculate on meeting all the dis=
=posable forces of every description our Enemy
can possibly wield. On this basis was my
plan of Campaign formed. that success
might attend us without desaster. or a necessity
arise to create a call for the Militias. If our
force is divided. and a simultanious attack
made on St. Augustine and Barrancas. the
7th Regt. of Infantry will have to be removed
to the scene of active operations. and as soon
as the 7th Regiment is removed from Fort
Scott you expose the whole frontier. invite on
its borders Indian depredations which will call
for the Militias to ~~put~~ protect it. down
Hence my plan of Campaign by which
our frontier will be protected. our rear pro=
=tected and success promised without
desaster any where and without the aid of
Militias.
By concentrating the forces at Fort
Montgomery. and leaving the 7th Regt. at Fort
Scott, to cover the Frontier, march and reduce
Barrancas and Pensacola. these well garri=
=soned will add strength to Mobile & Orleans

~~[illegible]~~ & would

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next reduce St. Marks which will insure us peace with the Indians; and if we fail capturing the Negroe Brigands we will drive them and disperse them in the Swamps. It is right here to remark that from the strength as well as position of St. Marks. if not taken by surprise or stratagem. it will cost both blood and Treasure to reduce it but reduced it must be. which will (having our borders secured) give us our whole force to operate against St. Augustine, being well supplied will be competent to reduce it against all the forces that can be wielded by Spain without hazarding disaster of any kind or necessity for aid from the militia."

The Garrison of Fort Gadsden with the cooperation of the 7th Regt. will afford protection to our frontier and overawe the Indians until the Barrancas is reduced and prevent any call for militia to protect our borders.

The Light Artillery and 2nd Regt. of Infantry might be sufficient ~~for~~ with a naval cooperation for the reduction of St. Augustine if not repaired and not reinforced having only 300 men to man ~~its works~~ the whole works, Thus Garrisoned it must be found weak at some points and undefended at others. If this is the state of its Garrison the Commandant does not calculate on defending it. this is a calculation too hazardous to make. we must as military men calculate on a brave and military defence, and particularly when we do know that the Town of St. Augustine can afford a military force of at least 300 men added to this it is believed that Governor Coppinger can draw to his Standard 300 Negroes (to say nothing of the Indians) tutered by Nicholls

p. 133

and

Head Quarters
Nashville 15th Nov. 1819 —

Sir

I have the honor herewith to forward for your information the enclosed Documents.

The first marked No. 1 is the confidential report of the Southern Division by Col. Hayne Inspector General. His remarks on the merits and de-merits of the Officers of my Division as far as my personal knowledge will enable me to form an opinion are correct. his observations on the efficiency of Cavalry I also approve. There can be no doubt but that Mounted men who can act as Cavalry or Gun men give to an Army a decided superiority and in prosecuting an Indian Campaign they are particularly efficient, as from the rapidity of their march they are at all times enabled to surprise them which is the only means of bringing them to battle without their possessing a decided advantage.

The Second Document marked No. 2 is a plan presented by Capt. Young Topog. Engineer for the prosecution of his official duties on the Southern Frontier. I highly approve of the measures he has proposed, and submit them to your consideration without comment with a request that they may claim your earliest attention. The third Document marked no. 3 contains charges and Specifications exhibited against against Bt. Maj General Gaines by Col. David Brearly 7th Regiment U. States Infantry. Having referred to the communications of the General to the war Department on the subject of the destruction of Lieut. Scott and his party (which forms the ground of the principal charge against him) and having found his conduct on that occasion approved by the

the President; would at this late hour of the exhibition of those charges have prevented me from ordering the arrest of the General on that charge. The ballance of the charges and specifications do not appear to have in view the good of the Service alone; or they would long since have been exhibited and prosecuted. Justice to General Gaines would require an investigation. and did I believe the good of the Service required it, it should have been Ordered. but having during the whole of the time I have had the honour to command been opposed to prosecution on charges that arose from personal feuds, and believing as I do that those in question are of that nature. I can not feel it a duty to arrest a a meritorious Officer on vexatious charges. But as I expect soon to retire from the army. I take the liberty to refer them to you for your order there-on.

The fourth document marked No 4 is the Report of my Aid-de-Camp Capt Call, on the Military Road. and the Situation of the Troops employed in opening it. from which you will discover the difficulties they have had to encounter in progressing with this work the want of quarter Masters funds is seriously felt. and with which I am at present unable to Supply them, without money Transportation cannot be procured. and without Transportation. they will be unable to proceed beyond the Tombigbee River. I regret very much that the operations of the Troops should be suspended. as I believe by a vigorous prosecution of the plan this great and important highway might be completed

in

three months a requisition would have bed made on the Department for funds, but from your former communication on this Subject. I presume they could not be furnished at present.

The Hon
J C Calhoun
Secretary of War

I have the honour to be
Very Respectfully
Your Ob^t Ser^t
(Signed) Andrew Jackson

P.S. Orders have been extended to the Officer Com^g the 8th Military Department to furnish Supplies for the detachment on the north end of the Road (via Mobile and Tombigbee

Head Quarters
Nashville 16th Nov - 1819 -

Sir

Your letter of the 20th of Oct. ~~has been~~ with its accompanying Documents has been received. Expecting to retire from the Army in a Short time I have declined acting on the charges and Specifications exhibited against General Gaines. they have however been submitted to the Secretary of war for his decision there on

I have the honour to be
Very Respectfully
Your Ob^t Servt
(Signed) Andrew Jackson

Col David Brearly
7^t Reg^t Inf^t

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Head Quarters
Nashville 22d No 1819 -

Sir

I have the honour here with to transmit for your information the enclosed documents in relation to the present Military arrange-ments of the Governor of Pensacola from which it will appear that every defensive preparation is now making.

The unfinished State of the Fortifications at Mobile Point is illy calculated for defensive opperations should it be attacked by the Governor of Pensacola as intimated by Mr Fromentine. I have however given orders to the Commanding Officer to watch the movements of the Spaniards with the greatest vigilence and should they evince a disposition to assail that Point to call on the Commanding Officer of the 4th Regiment for assistance who will be authorized in that event to march his whole force without delay to the relief of that Post.

The Hon
J C Calhoun
Secretary of War

I am very Respectfully
Your Obt Servant
Andrew Jackson
Maj Genl Comdg
S. Division

Head Quarters
Nashville 23rd No- 1819

Confidential

Sir

Having been informed that the Governor of Pensacola is at present actively engaged in preparing the Barrancas for defensive opperations; And as it is probable from the defenceless state of Mobile Point that an attack on that place may be contemplated by the Spaniard; you are hereby directed on the requisition of the Commanding Officer of Fort Bowyer to march to his assistance a part or the whole of the disposeable force under your command should it be deemed necessary to insure the protection of that Post.

You will correspond with the Commanding officer on this subject and hold yourself in readiness to give him such aid as he may require. every confidence is reposed, and much depends on your zeal, vigilence, and ability.

Yours Respectfully
(Signed) Andrew Jackson
Maj Genl Comg
Southern Division

Maj James E. Dinkins
Comg 4th Regt U.S. Infy
Mont pelier

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Head Quarters
Nashville 22d No- 1819

Sir

Your Letter of the 7th Inst. with its accompaning Document has been received and Copies thereof forwarded to the Department of War.

A few days Since I received a Letter from Col. Hays Judge Advocate of the Southern division (an extract of which marked No-1-is here with enclosed) from the information it contains it is not improbable that an effort will be made by the Governor of Pensacola to reduce the Fortification on Mobile Point I have accordingly written to the Comdg Officer of the Cn. & 8th Military Department (a Copy of which marked No-2- is here with enenclosed) directing him on the requisition of the Commanding Officer of Fort Bowyer to aid him with such forces as may be necessary to insure its defence, On this Subject however You will adopt such measures as in Your judgement will be necessary and best calculated to effect the object desired

I am very Respectfully
Your Obt Servt
Andrew Jackson
Maj Genl comdg
Southern Division

Maj Genl
E P Gaines
U S Army
Augusta Georgia

Confidential

Head Quarters
Nashville 22d Nov 1819—

Sir

I have been informed that the Spanish Governor of Pensacola is at present actively engaged in strengthening and preparing the Fortress of Barrancas for defensive opperations, and as it is by no means improbable that in the event of a rupture with the U States his first object will be the reduction of your Post; the greater caution and attention is necessary on your part,

You will watch the movements of the movements of the Spaniards with the greatest vigilence and should they evince a disposition to attack your post, you will apply to the Commanding officer of the 4th Regiment at Mountpellier for such additional force as you may deem necessary to insure its defence.

Much depends on your zeal, vigilence & ability

Yours Respectfully
(Signed) Andrew Jackson
Maj Genl Comdg
Div. of the South

Officer Comdg
Fort Bowyer
Mobile Point

Head Quarters
Nashville No 1819

Sir

I send herewith enclosed a Letter just received from Capt. Gadsden, I have no doubt but the road which he recommends to be opened will be highly important and that it will greatly facilitate the completion of the Fortification at Chef-menteur, on which the safety of New Orleans must greatly depend. I shall await your order on the Subject — I also enclose for your information a Letter from Maj Bradford comdg Fort Smith — Permit me to remark that great care should be taken to prevent the Salt Spring from falling in to the hands of the Indians. They should be reserved for the use of the U.S or they will be monopolized by the Speculations of Individuals

I am Sir
Most respectfully
Your Obt Servt
(Signed) A Jackson
~~Maj~~ Genl comdg

The Hon
J. C. Calhoun
Secy of war

General Jackson to the Secretary of War

Head Quarters
Nashville 11th Oct 1819

Sir

Your Letter of the 27th ult with enclosure has been this morning received its contents have been ~~[illegible]~~ duly noted and will be

be promptly attended to. Orders have been issued to carry into effect the preparatory measures, and I would suggest the propriety of having water Transportation to convey the 7th Regiment to any point which circumstances may require. I have requested Commodore Patterson confidentially to have in readiness such armed force as may be competent to protect such Transportation if ordered by the proper Department.

Should it be true that St Augustine has been reenforced by Five Troops, it would be requiring too much to attempt its reduction with the Regiment of Light Artillery and the 2d Regiment of Infantry only. If that Fortress is not or should not in the interim be reenforced, those two Regiments might be competent to its reduction. But it would be hazarding too much in my opinion to make the attack calculating on a cooperation from the Troops under my command; when we consider that the Barrancas has been greatly strengthened and that the Troops at Pensacola and Barrancas are estimated by report at 2000 and which can be reenforced in five or six days from the Havanah

There can be no doubt but a simultaneous attack on both Pensacola and St Augustine with competent force would facilitate the operations but if any doubt should exist as to the competency of the force it will be better to concentrate ~~the~~ of our whole force and reduce the different Posts ~~by~~ in detail; and in that event I would reduce the Barrancas and Pensacola first which would give security

to

to Mobile and its dependencies. next St Marks which would insure the neutrality of the Indians and with the whole force combined reduce St. Augustine. The probability is that on the reduction of the other posts St. Augustine would Surrender. On the plan of concentrating the whole force the Light Artillery and 2d Regt. of Infantry might be landed at Blakely on the Mobile. and from thence march direct to Barrancas. or to the point of general Rendezvous. as circumstances may require. I have taken correct measures to ascertain the Strength of the forces at Pensacola and Barrancas.

The disposable force of my Division you will learn by reference to the Report of my Adjt. General and in calculating, its efficient Strength in the Field, I would suggest that its aggregate numbers should be reduced one at least one forth.

As the Quarter Master and Commissary Generals are located at Washington City. I have to request that on the determination of the President ample funds may be forwarded for the Transportation and Support of the Army. and that orders be given to each Department to make the necessary arrangement for carrying promptly in to effect the object of the Government. I am induced to make this request in order to obviate the inconvenience and privations attendant on an expedition insufficiently equipped and to which my Army has been exposed on every Campaign, which I have had the honor to command

I am very Respectfully
your Obt Servt

The Hon
J. C. Calhoun
Secy of war

(Signed) A. Jackson, &c
Maj Genl Comg

Confidential

Head Quarters
Nashville Dec 11th 1819

Sir
I have the honour to forward for your information the enclosed Copy of a Letter from the Secretary of War.

The Commanding General directs that you will adopt the necessary measures for carrying promptly into effect the object of the President, and that for this purpose the whole disposable force of your Command be held in readiness for the prosecution of an active and vigorous Campaign.

I have the honour to be
Very Respectfully
Your Obt Svt
R K Call
A D Camp

Maj Genl
E. P. Gaines.

Confidential

Head Quarters
Nashville 12th Decr 1819

Sir
I have the honour to transmit for your information, the enclosed Copy of a Letter from the Department of War.

The Commanding General directs that you will adopt the necessary measures to carry into effect the object which it contemplates and that all the disposable force within your Command be ordered forthwith to the head Quarters of their respective Corps.

The Troops stationed on the Sabine and Read Rivers will be withdrawn except a sufficient Garrison for the Post of Seldon and Claiborne

The

The Troops employed on the Military Road will not be withdrawn. but will be prepared and held in readiness. to move to any point to which circumstances, may render it ne=cessary to direct their march. And the whole of your Command held in readiness if required, for the prosecution of an active and vigorous Campaign.

Maj James B Many } Very Respectfully
Comg 8th M Dept } your Obt Servt
(Signed) By Order R K Call
A. D. Camp

Confidential } Head Quarters
Nashville Dec 13th 1819

Sir

The present aspect of our relations with with Spain justifies the belief that a Cam=paign will be carried on within the Flori=das during the ensuing winter; preparatory to which the Commanding General directs that you will without delay prepare and hold in readiness a complete train of Field and Battering Cannon.

Howitzers of the largest Caliber with Fixed ammunition of every description are also required.

On the receipt of this you are requested to report the State of your Ordnance & Ordnance Stores to the Adjt. Genl of Division

I am Very Respectfully
Your Obt. Servt
R K Call
A. D. Camp

Lieut. John Symington
Ordnance Department
New Orleans

From Maj General Jackson to the Secretary of War

Head Quarters
Nashville 27th Decr 1819

Sir

I have the honour to forward for your information the enclosed Copy of a letter from Captain Gadsden, from which you will discover the defenceless situation of Fort Bowyer. On being informed of the evacuation of that Post by the instructions of General Ripley, I gave Orders (through the medium of my Adjt General) to that Officer for its immediate reoccupation. General Ripley acknowledged the receipt of this Order and promised it should be carried in to effect. and not until the receipt of the letter of which the enclosed is a Copy. did I learn the present defenceless state of this Post. Mobile Point is one of the most important situations on our Southern Coast, it commands the entrance in to the Bay of Mobile and from its contiguity to Pensacola in the present state of our relations with Spain it should be guarded with the greatest vigilance. The dismantling of Fort Bowyer by General Ripley. and his neglecting (contrary to my Orders) to have it reoccupied. are military offences of the most serious nature. and such in my opinion as cannot be justified under any circumstances. It rests with you to determine how far the good of the Service will warrant the acceptance of the Generals resignation, without an investigation of his conduct on this Occasion.

Respectfully
your Obt Servt.
(Signed) A. Jackson.
Maj Genl comdg.

The Hon
J C Calhoun
Secy of War

General Jackson to the Secretary of War

Head Quarters
Nashville 28.th Decr. 1819

Sir

The proceedings of the General Court-Martial in in the case of Col. King of the U.S. 4th Regiment of Infantry have been presented by the Judge Advocate of Division. But they are herewith submitted to your consideration, for approval or disapproval. To the adoption of this course I am prompted by the following reasons.

1st Because the Order for the arrest of Col. King originated from the War Department

2d The facts in relation to the Charge of unofficerlike conduct, supported by the specification of misapplying Public Money in chartering the Vessell General Hand for the Transportation of a Detachment of recruits are all I presume within the knowledge of the Department of War; I have arrived at this conclusion by reading the Letters of the Adjt. and Inspector General to Col. King on this subject, and which you will find accompanying the proceedings of the Court.

Possessed of these facts you will be enabled better than myself to decide judiciously on this important subject.

3d. The Prisoner is charged with unofficerlike in approving sentences of Courts-Martial awarding the infliction of Corporeal punishment by stripes or lashes he attempts to justify this act by the common practice of the Army, and adduces an instance of recent date where the offender lost his ears by the sentence of a Court-Martial. This requires the fiat of the President that this practice may at once be abolished in the Army of the U States, or that his opinion may decide the propriety of such proceedings and the law be fully settled on this point.

4th Another Specification of the Charge of unofficer like conduct is founded in the Order of Col. King for Shooting Deserters from the Posts of Pensacola and Barrancas if apprehended in the Province of Floridas. The Prisoner acknowledges having given the Order, and in justification offers the plea of necessity. Being on foreign Service he was charged with duties of the highest responsibility, the Situation of his command was critical in the extreme. Desertion was repeated and numerous to an alarming de=gree, and to prevent which it was necessary to adopt the most energetic measures; but how far these circumstances will justify the course which he pur=sued remains with the President to determine.

This is a new case and may form a precedent in future, and in order to obviate the difficulties which may other ways arise, it is necessary that this point be permanently settled by the highest authority it is therefore submitted.

The General of Division is of Opinion that uni=formity of decision in cases of Courts-Martial is essential to the well being of an Army, and hopes that this reference will produce the desired effect by bringing to the view of the President of the U States the necessity of a General Order on these distinct and as it appears unsettled points.

The inclosed Document marked No 1st is a Copy of the letters of Col. King, the receipt of which are acknowledged in my letter to that Officer bearing date the 18th of April 1819 — a copy of which accom=panies the proceedings of the Court; in that letter I expressed my entire approbation of the conduct of Colonel King during his command in Floridas in doing so I had reference only to those circum

—stances

=cumstances mentioned in his letter and such other Official acts as were then within my knowledge but however unwilling I am to detract from the merit of that Officer who I have ever considered one of the most superior of his rank, it is a duty which I owe myself here to state, that at the date of that Letter, I was entirely ignorant of the order given by Col. King for the execution of Deserters taken within the Province of Florida and not until a short time previous to the arrest of Col. King did I become acquainted with these facts.

I am Very Respectfully
Your Ob^t. Servt.
Andrew Jackson
Maj^r General Comm^g.

The Hon
J C Calhoun
Sec^y. of war

General Jackson to Col. Atkinson

Head Quarters
Nashville 30th. Decr 1819

Sir

I have read with satisfaction Your Letter of the 20th. Ult^o. a copy of which has been forwarded to the Department of War.

I highly approve of the position You have selected for the Cantonment of Your Command from Your description it appears to be highly eligable, and Your works have been judiciously constructed. I coincide with You in Opinion that this should be made a permanent Post and have accordingly recommended its establishment to the Secretary of War. I am much pleased to learn

that

that you have succeeded in establishing a friendly intercourse with the Indians in your vicinity, their friendship should be cultivated, and I have no doubt but your best exertions will be offered in its promotion.

Your conduct as far as it comes within my knowledge is highly approved

Yours Respectfully
(Signed) Andrew Jackson
Maj. Genl. Comdg.

Col. Atkinson
U S 6th Infy
Comdg 9th M D
St Louis

General Jackson to the Secretary of War

Head Quarters
Nashville 31st Decr. 1819

Sir

The enclosed Documents are respectfully submitted to your consideration.

The first (marked (A) is a copy of a Letter from from Col Atkinson Commanding the Missouri expedition. From the description which he has given of the Council Bluff, it appears to be highly commanding and well calculated for the establishment of a permanent Post, the utility of which will be discovered by examining the situation of the adjacent Indian Tribes, and its relative situation with the Post at the mouth of the St. Peters, and the one contemplated by the Government to be established at the ~~mouth~~ Mandan Village.

Document (B) is letter from Maj Bradford relative to the removal of the Cherokee Nation

from

from the South to the North Side of the Arkansas River. this is a Subject with which is involved many important considerations. and which I hope will claim your particular attention.

Documents C, D, & E, have reference to the con-duct of Col. Clemson ass.t Commissary of Issues they are offered without comment as the Depart-ment of War is in possession of all facts in relation to this subject.

I have the honour to be
Very Respectfully

The Hon
J C Calhoun
Secretary of War

(Signed) Andrew Jackson
Maj Genl Comg

General Jackson to Lieut Lyman

Head quarters
Nashville 4 Jan 1820

Sir

The quarter Masters Department bein unable at present to discharge the debts contracted by Lieut Mason. for the Transportation of supplies for the Troops employed on the North end of the Military road; if the state of your funds will justify such an expenditure. You will pay the accounts which M.ess Williams, Martin and Walsh will present against the quarter Masters Department. You will however retain suffi-cient funds to insure the ~~supply~~ subsistence of the Command. until supplies can be obtained from the lower Country

Lieut Lyman
Act Ass. Com,
Military Road

Your Respectfully
(Signed) Andrew Jackson
Maj General Comg

Captain Call to General Bissell

Head Quarters
Nashville 7th Jan 1819

Sir

The inclosed letter from Col. Lindsay is respectfully submitted to your consideration. Should the application of Maj. Archer for a furlough meet with your approbation, the Comdg General will have no objection to his indulgence for a limited period, though he must remain subject to such Orders as circumstances may require.

Orders were issued in November last requiring the Commanding Officer of the 8th Military Department to have the necessary supplies for the use of the Detachment employed on the North end of the Military road, to be forwarded from New Orleans through the channel of the Tombigbee River. No receipt of this Order having been acknowledged the Commanding General requests your particular attention to this subject. The Command above mentioned consists of one hundred and forty four men who are in want of every species of Clothing Camp Equipage Medical and Hospital Stores. Their supply of Provision will be exhausted by the latter end of the ensuing month after which it is contemplated to furnish them through the channel above refered to. requisitions for the necessary supplies have been forwarded to the proper Departments, and the Comdg General directs that you will adopt the necessary measures to have them conveyed to the point where the military road will intersect the Tombigbee River.

The Provisions must be purchased by the asst Commissary

at

of New Orleans if the State of his funds will enable him to do so

I have the honour to be
Very Respectfully
Your Obt Svt
R. K. Call
A. D. Camp

Bt Brig^d Genl
Saml Bissell
Comg 8th Mil Department
New Orleans

P. S. Your Letter of the 23rd December has been this morning received. The Commanding General approves of the preparatory measures you have adopted for the prosecution of the contemplated Campaign in Florida. He is sensible of the worth of Maj Humphreys as an Artillerist, and will require his services in the field in case of an invasion of Florida, but he does not wish him removed from his present command until the expedition is prepared to move.

R. K. Call
A. D. Camp

General Jackson to General Bissell

Division of the South
Head Quarters
Nashville 8th Jan 1820

Sir here with enclosed you will receive Charges and Specification exhibited against Maj John McIntosh of the 8th Regt of U S Infantry to which your immediate attention is requested as well as to the complaints contained in the Letter of Capt Humphreys a Copy of which is also enclosed. — There has been a neglect of duty somewhere, and it is shameful that this detachment should be so long without its necessary supplies

There

There has been a manifest tardiness in the progress made in the South end of the Military Road from some unknown cause — Should it be found to proceed from the Commanding Officer it will be necessary to remove him and give the command to some Officer who will progress with that duty. To the foregoing subjects your prompt and immediate attention is required

I am Sir Respectfully
Your Obt. Servt.
A Jackson
Maj Genl comdg

Bvt. Brign. Genl.
Danl Bissell
Comdg 8th M. Dept. } Signed

P. S. You will cause the Supplies for Capt Humphreys command to be forwarded without delay
Signed } A. Jackson

General Jackson to Captn. Humphreys

Division of the South }
Head Quarters
Nashville 8th Jany 1820

Sir

Your several communications of the 21th Decr. have been delivered by Lieut Graham

The present situation of the Southern Division requires that every Officer should remain at his Post. in addition to this necessity your Services may be required before a Courtmartial which will be ordered for the Trial of Maj. McIntosh therefore your request for a furlough cannot be granted. The wants and inconveniencies sustained by your Detachment at present, shews distinctly a neglect of duty some where. and to remove this difficulty and prevent the recurrence of such evils, it is necessary to ascertain the person to whom this neglect is attributable to

effect

effect this object you are required to forward to the Adjt. General of Division Copies of the requisitions which you have made for Clothing and Camp Equipage, together with a statement of the time when and persons to whom they were transmitted. It is presumed that there are funds sufficient in the Quarter Master Department to have furnished the necessary transportation for the supplies of your Command and to convey them to any point where they might be required, and the good of the service demands that this failure should be investigated.

The Letter of Capt. Hunt refered to in your communication to Col. Butler has not been received, therefore no evidence is furnished on this subject.

From your Letter I presume you have misconstrued the order of the Adjt. Genl in relation to the Hutting of your command which Order did not intend to a prohibition of your erecting temporary Huts for the accom=modation of your Detachment, but to prevent you from retiring in to Winter quarters when the weather would admit of the Troops being advantageously employed on the Military Road.

A Copy of your Letter to Col. Butler has been forwarded to the Comg. officer of the 8th Mil Department, with orders to forward without delay to the point where the Military road will intersect the Tombigbee River the necessary supplies for your Detachment.

Respectfully yours &c
(Signed) A. Jackson
Maj. Genl. Comt.

Capt. Humphrey
U.S. Er. Supt. M. Road

General Jackson to the Secretary of War

Division of the South } Head Quarters
Nashville 10th Jan 1818

Sir Yours of the 24th Ult. reached me by yesterdays Mail and with the promptness required I hasten to answer it. On the receipt of the confidential communication from the Department of War bearing date the 27th Novr. Orders were given to concentrate the Troops of my Division at the following Points (viz) The 1st Regt. of Infantry at Baton Rouge the 4th Regt. at Montpelier which (which is intended as the place of general Rendezvous) the 7th Regt. at Fort Scott and the 8th Regt. at the Bay of St. Louis except the Detachment employed on the Military Road which will be ordered to Montpelier.

Finding from yours of the 24th Ult. that it is the wish of the President to carry in to effect to object of the Campaign with the Regular force only without the aid of Militia my plan of the Campaign shall be confined to the operations of the Regular forces only, and I am clearly of opinion that to obtain success it will require the disposable force of my Division and the reinforcement of the Light Artillery and 2d Regt. of Infantry to be concentrated and this force will not be competent to make a simultaneous attack on Barrancas and St Augustine with certainty of success.

The Battalions of Artillery in my Division will not be more than sufficient to Garrison the Forts on the Frontier. It will not be prudent to leave New Orleans and its dependencies with any defence. St. Philips the fortress on which its security

depends

depends, must be strongly Garrisoned, we ought to calculate that the disposable force at Cuba will be employed in such manner by Spain as she may think best calculated to defend her Fortresses and give us annoyance; and if New-Orleans is left in a defenceless situation it may be invaded by the Spaniards with a view of drawing our forces from the Barrancas. Therefore as in all my movements I have "looked behind me as well as before" I am of opinion that two Companies of Artillery should be left at St. Philips and one at St. Johns and Petite Coquille. Fort Gadsden must be maintained and being left destitute of succour for a while its Garrison should remain complete, which will require two Companies, in order to give security to the Post, and hold the Indians and the Garrison of St. Marks in check. The Post of Norfolk and its dependencies will require two Companies to preserve the Public property.

The Harbour of Charleston will require one Company. Point Peter and Amelia Island two Companies, and if the Supplies and the Munitions of War for the reduction of St. Augustine should be deposited at the latter Post a 3d. Company will be required. Fort Scott must be maintained by a small Garrison if the 7th. Regiment is withdrawn, to protect the Public property, to hold out a shew of support to Fort Gadsden, and keep down Indian hostility on the Frontier of Georgia and Alabama. Mobile and Mobile Point will require a Garrison of one Company.

From this disposition you will find that

 the

Division of the South } Head Quarters Nashville January 14th 1821

Sir

I am directed by the Commanding Genl to acknowledge the receipt of your letter of the 24th ulto, with its enclosure, and reply thereto —

The Genl is happy to know that proper measures have been taken to bring to a speedy issue the difference between Capt. Jones and Lt. Sypis, of the 1st Regt of Infantry

I am Sir very respectfully
Y. Obt Servant
Andrew J. Donelson
Aid de Camp

Danl Bissell Brig Genl
Commdg 8th My Dept
New Orleans

Division of the South } Head Quarters Nashville January 14th 1821

Sir

I am directed by the Commdg Genl, to acknowledge the receipt of your letter of the 16th ulto, and reply thereto —

The Genl has much regretted the maladies under which your Battalion at Fort Gadsen have laboured, and has long since instructed Genl Gaines, so soon as the situation of his command would permit, to relieve it. From late intelligence there can scarcely be a doubt of the arrival at the city of Washington of the Spanish treaty, and of its ratification on the part of Spain. We may therefore calculate upon possessing the Floridas in a short time, and upon making such arrangements of the forces in the lower country, as will not only better an-

-sive the objects of defence but more effectually secure the health and comfort of the troops. The Genl is advised of the successful progress of the work at Dauphine Island, and will authorise you to garrison your battalion there this summer if no circumstances prevent, at all events Sir, your battalion shall in due time be relieved from its present unpleasant situation

I am Sir very respectfully
Ys Obt Servant.

Andrew J Donelson
Aid de Camp

Lt. Col Lindsay
Commdg 4th Batt of Art'y

Division of the South } Head Quarters Nashville January 18th 1821

Sir

On yesterday a deputation of Cherokees from the Creek path Town, consisting of George Fields, Wolfe and Turtle Fields, handed me the enclosed letters marked A, B and C. the paper marked C. contains the explanation and talk delivered me by their confidential agent Turtle Fields & subscribed to by the others, which is also enclosed —

On my return from the Creek frontier last sum-mer, and passing through the lower part of the Cherokee country. I found great dissatisfaction prevailed, arising from the jealousy of Hicks and others, which I believe I have communicated to you.

When I set out to hold a Treaty with the Choctaws, I heard that the Pathkiller had sent to me a deputation — They passed my house and finding me not at home, followed me to the Choctaw nation That deputation consisted of part of the present (viz George Fields and Wolfe. They remained with me

during the negotiation with the Choctaws, and appeared very desirous that the Choctaws should obtain a country adjoining their Cherokee Brothers on the Arkansas, that they might aid each other in the day of danger — Never did they hint their business until I reached Russelville Alabama, on my return, and on the morning when we were to part. They then informed me of their instructions to consult me, whether their father the President of the U. States would, upon the terms mentioned in their talk marked O, and herewith enclosed, give to them the reservation asked for & Informing me also, that they had no confidence in Hicks and others, that their people had not been heard in council, and for three years had not received any part of the annuities, and that they were fearful that Hicks &c would at some future day cheat them out of their lands — All of which they wish'd to make known to their father the President, and get him to secure them permanently in the bounds they now ask for. I then told them that I could ~~make~~ no communication to their father the President, until the chiefs of their Town would in writing address me on that subject, when that was done I would freely make it known through you to him, and I had no doubt but it would be granted —

I do believe it to be a reasonable request and ought to be granted — It is a small area compared to what their population entitles them out of the whole country secured to the Cherokee nation. The only good land asked for in the reserve, is on Thompson's and Brown's creeks — the distance from the one to the other is about one and a half miles, and from Brown's creek to Shoal Creek is about one and a half. The whole reservation does not contain more than an

-bout six thousand acres of good land - the ballance is rock and mountain of the most rugged kind -

I do believe in a political point of view, as well as in justice to these people, their prayer ought to be noticed. It is inviting Congress to take up the subject, and exercise its power under the Hopewell Treaty of regulating all the Indian concerns, as it pleases. This is a precedent much wanted, that the absurdity in politics may cease, of a sovereign, in-dependent nation holding treaties with these people living within its territorial limits, acknowledging its sovereignty and laws, and who, altho' not citizens, cannot be viewed as aliens, but as the real subjects of the United States. If Congress by law will on the terms proposed take up the subject and give them the grant asked for - it will give to Georgia and Ala-bama all the Cherokee lands not settled upon by those who will petition Congress at the next session, for the right of citizenship. In short I do believe in a very short time, these people will offer this part of reserved land to the U. States for lands on the Arkansas, and as part of the nation is now there, good policy will dictate the propriety of sending all those who do not wish to remain where they now are as citizens of the U. States. This belief however is bottomed on my opin-ion merely, and is to be taken as such. These people wanting to go to the Arkansas could not, unless they abandoned their improvements without compensation.

They now fear the injustice of the upper part of the nation, and wish to become independent of them and wish to be in such a situation, that they can remain where they now are forever, or if they choose, exchange of their own accord for lands more beneficial to them. If the real object of the Government is to aid all o-

-ver the Mississippi that are not disposed to become citi-
-zens, to consolidate our southern population; now is the
time for Congress to take up the subject, allow the grant,
and establish a happy precedent that will establish
hereafter the rule of legislating for, rather than trea-
-ting with the Indians within our territorial limits. This
will secure to the Indians more justice, and a great
saving to the nation —— I have only to add, that
I do hope this prayer may be granted, and the precedent
established of Congress legislating for them ——

I am Sir, with great respect
Yr. Mo Obt Servant
(Signed) Andrew Jackson

The Honble
J. C. Calhoun
Secy of War

Division of the South } Head Quarters Nashville January 21st 1821

Sir

I have the pleasure to enclose for your information the report of the Asst Surgeon General, of the health of the troops and the location of the Post Surgeons of my Division. I sincerely regret the mortality of the troops at Fort Gadsden, and wait with anxiety for the determination of our Government with regard to the Floridas, that this Detachment may be relieved or withdrawn — if withdrawn, Mobile Point or Dauphine Island will afford them a health-ful situation.

Should we possess the Floridas entire, St Joseph's Island will be a proper site to occupy with the Detachment relieving Fort Gadsden. The latter Post should be abandoned entirely. St Joseph's Island promises health, and when we possess the Florida's must be fortified and

garrisoned to protect the Harbour.

I have just seen the register for the present year and see that Maj. H. Staunton, Dep. Quarter Master Genl, was appointed on the 13th day of May 1820, and has been assigned to my Division. He has not reported to me. I will thank you to have him ordered to Nashville with funds sufficient to discharge the small debts for stationary, postage, house rent, fuel and transportation. We really are in want of funds for this purpose, and both the credit of Officers and that of the U. States are suffering for the want of them — When I last wrote you on the subject of Quarter Master funds, I was not advised of Maj. Staunton's appointment, nor had I any intimation of it until the register was put into my hands to day

I am Sir, with great respect
Yr Mo Obt Servant
(Signed) Andrew Jackson

The Honble
J C Calhoun
Secy of War

1821

Division of the South } Head Quarters Nashville January 21st

Sir

I have this moment recd your letter of the 28th December last. So soon as I can fully examine the subject to which it refers, I will fully answer it. —— By referring to Col Hayne's communications to the Dept of War, on the subject of arms pressed by him, you will receive all the information I ever possessed on that subject. I was on my way from Nashville to Fort Scott, when Col Hayne gave the order for procuring arms in this way, and unless his reports shew the number and kind of arms obtained, there is nothing in my

possession that will afford it. I shall visit Columbia and enquire into the situation and number of the arms there in deposit, and as soon as possible will transmit you all the information I can obtain upon the subject.

It will afford me pleasure to enquire, and transmit through you to the Secy of War, all information that can be obtained on the subject

I am Sir, very respectfully
Yr Mo Obt servant
(Signed) Andrew Jackson

William Lee Esqr
2d Auditor
Treasury Dept

Division of the South } Head Quarters Nashville February 8th 1821

Sir

I have the honor to enclose you a copy of the Secretary of War's letter to me of date January 21st 1821, directing an investigation into the illegal punishment of the two soldiers spoken of in your letter of Novbr 17th 1820 —— Your report being the ground of the enquiry, you will proceed forthwith to detail a Genl Court Martial, for the trial of Col Chambers upon such charges and specifications as you may frame, touching his sanction of the illegal punishment and informality of the trial, of the soldiers alluded to in your letter to me, dated November 17th 1820 ——

I am Sir, very respectfully
Yr obt servant
(Signed) Andrew Jackson

Brig Genl Atkinson
Commd 9th My Dept
St Louis

Division of } Head Quarters Nashville February 8th 1821
the South }

Sir

I have the honor to acknowledge the receipt of your several communications of January 18th and 20th ulto; with their several enclosures, all of which are duly noted.

On the subject of the military examinations ordered upon the Sabine, I will further remark, that, as the treaty with Spain is ratified, and in consequence a considerable change in the distribution of the forces on the South Western frontier contemplated, it is probable that the erection of the Fort on the Sabine will be delayed — The survey however must be completed and when the report of the officer assigned to that duty is received by you, you will immediately make report thereon to me ——

I have just recd a letter from the Secy of War, enclosing copies of letters from Capt Fowler. U States Factor at Sulphur Fork, and also a copy of the Secy of War's letter to you — all of which relate to the misconduct of the guard stationed at Sulphur Fork, and that of Capt Coombs, commandant of the Post on the Sabine river. I have extract the following lines from the Secretary's letter to me, which you will use as grounds of enquiry into the subject.

viz. "Very frequent complaints have been made to me upon the same subject, and several orders have been given to Genl Bissell, to correct the abuses complained of, a copy of the last of which is herewith enclosed. — I hope the presence of Lt Mitchell, who, I observe from Capt Fowler's last letter has been ordered to the Sulphur Fork, will produce order and discipline among the soldiers at that post. The very — gross and disgraceful conduct imputed to Capt Coombs will claim your attention, and I have no doubt be

treated as it deserves"

In order that Capt Coombs if innocent, may blot out such disgraceful and vulgar imputations from his character, or if guilty, that he may be punished as he deserves; you will immediately cause his arrest, and a Court Martial to be convened for his trial, upon such charges and specifications as you may prefer, regarding the subjects of complaint in Capt Fowlers letters, which I have herewith enclosed —

I am Sir very respectfully
yr Obt Servant
(Signd) Andrew Jackson

Danl Bissell Brig Genl
Comdg 8th My Dept

Division of the South } Head Quarters Nashville February 8th 1821

Sir

Your letters of the 13th. 16th and 21st of January have been received, and their contents duly noted, and instructions given to Genl Bissell, causing Capt Coombs arrest and trial, and also as to the scite for a post on the Sabine agreeably to your suggestion. I have directed Genl Atkinson, forthwith to detail a General Court Martial for the investigation of the conduct of Col Chambers, in the informal trial, and illegal and cruel punishment, of the two soldiers alluded to.

I have just recd from Col Gadsden, a letter of the 8th ulto advising me of the progress of the works below, in which he states, that he has great hopes of being able by the 1st of January 1821, to fire a salute from the battery at the Rigolets, in commemoration of the completion of these works — of the

works in the Bay of Mobile, he does not write so sanguinely — the progress on Dauphin Island is slow, — at the Point, the works labours for the want of resources in the Contractors &c. — This mode of supplies for Fortification, must be changed — give your funds to the Engineers, and make them responsible for the completion of the works, by this mode you will make a great saving to the Government, and your will be completed in half the time they will be, under the contract system

I am Sir, with great respect
Yr. Mo Obt Servant
(Signed) Andrew Jackson

The Honble
J C Calhoun
Secy of War

Division of } Head Quarters Nashville Feby 12th 1821
the South }

Sir

In conformity with my suggestion in my last, I proceeded to Columbia, to inspect and make enquiry about the arms deposited there. Mr Cohen was not at home, and I got Mr James Walker to make the necessary enquiry, as soon as he would return — The enclosed is the result — Whether, there are arms that were pressed by order of Colo. Hayne, or not, I have no data from which to judge, nor can I obtain any & I have wrote Col Hayne, but am apprehensive from report that he is at Charleston — a letter from the Dept. might probably reach him there, and it is probable he has some data from which the number and kind of arms pressed under his order can be ascertained The enclosed is the only information I have obtained — from a reference to Col Hayne's correspondence with the Dept. of War, you will have all the information I

we had on this subject —

I am Sir, with great respect

Yr Mo Obt Servant

(Signed) Andrew Jackson

Wm Lee

2 Auditor T. Dept.

Division of } Head Quarters Nashville Feby 18th 1821
the South }

Lt Andrew J Donelson will proceed to New Orleans, and obtain from Genl Bissell the report on a proper route for a Garrison on the Sabine, if the confidential officer to whom Genl Bissell has entrusted that duty has reported on the subject — you will then proceed to examine the Fortifications at the Rigolets, and make report to me of the plan and progress of those works — should you deem it expedient, after receiving the report from Genl Bissell, you can visit and explore the frontier on the Sabine — but of this you will decide from circumstances, or after orders to be received — Having completed these duties agreeably to instructions, you will remain in New Orleans until I arrive, or until further orders —

Signed Andrew Jackson
Maj Genl Comdg

Lt Andrew J Donelson

Division of the South

Head Quarters
Nashville 10th March 1821

Sir

Your letter of the 22d Ult with its accompanying documents has been received by the Comdg General, in reply to which I am directed to return & express his approbation of the course pursued by you relative to the Guard stationed at the Sulphur Falls red river. But as a charge of misconduct has been made against Capt Coombs it is the wish of the Comdg General that this charge should be investigated, both for the satisfaction of the War Department and the justification of the Officer accused

I have the honor to be
Very Respectfully
Your Obt Servt
R K Call
A D Camp

Brigd Genl
Danl Bissell
Comdg 8th Mil Dept
Baton Rouge

General Jackson to William Lee Aud. Dept

Division of the South

Head Quarters
Nashville 14th March 1821

Sir

I have just received your private letter with its inclosure of date the 19th Ult I regret with you that such a hasty step should have been taken, relative to the stoppage of my pay for $691,73 – if there is an error in my accounts, it has originated with Maj Searcy the Pay Master and not with myself and it is well known to the Dept of war, that where errors exist with me

I am prompt in their conviction — and from the well known correctness of Maj Searcy his legal capacity &c it was due to him and myself to have notified me of the supposed error, before any steps should have been taken in it — I do suppose from recurring to the 9th Section of the act of Congress passed 24th April 1816 Maj Searcy did believe that all the pay and emoluments, and all the priviliges secured to the staff of the Army by the Act of March 1813 were retained to them by the revival of that law in 1816 — and if it does not mean this it cant mean nothing and if I mistake not — I think if you search the Department you will find this construction placed upon it — and I am well assured that the 9th Section of the Act of the 24th of April 1816 was introduced for that purpose, as I can see no other authority for the pay and subsistence of Deputy and from a view of the payments made to the General Staff I see that such has been allowed. Be this as it may if any money has been paid me not authorized by Law, by Maj Searcy or any other public Officer, I do not wish to retain it but am both able and willing to refund the moment the ^moment the^ error is made manifest. I have therefore to request you will forward to me a Duplicate of the accounts paid by Maj Searcy with a copy of the instructions by which the payment was made together with the opinion of the Secretary of War

war relative to the 9th Section of the act of the 24th of April 1816. Should it be the Opinion of the Secretary of war, from a reference to this law and the instruction to Maj Searcy that he has paid me more than the law entitled me to receive, it shall forthwith be refunded.

I have no doubt but it was the intention of Congress by the 9th Section of the Law of the 24th of April to revive and there by retain to the General Staff all the emoluments that the regulations entitled them to, previous to the reduction of the Army. It could not have been otherwise than a casus omissus in the act of the 3rd of March 1815, it never could have been the intention of Congress to deprive the General staff of Servants, and allow them only 20 Dollars pr month for forage and compel them frequently to travel, as I was in 1815 compelled by order to travel for several month through the lower Country, where each horse cost pr day from one and a half to two Dollars.

Yours Respectfully
(Signed) Andrew Jackson
Maj Genl Comg

William Lee Esqr
Audr. T. Department

Division of the South }

Head Quarters
Nashville 27th March 1821

Sir

Your letter of the 14th Inst with its accompanying documents has been received, and I am much pleased to learn that the investigation of the Subject to which it relates, has terminated so favourable to the character of Capt Coombs The reports which you enclose corresponds with the description I have ever received of the conduct of that Officer.

As it appears that the charges exhibited against Capt Coombs are malicious and unfounded, you will relieve him from arrest and order him to duty, and no further notice will be paid to those charges unless directed by the Secretary of War to whom I have forwarded the documents you have enclosed on the Subject.

I am Sir
Yours Respectfully
(Signed) Andrew Jackson
Maj Genl Comg

Brig Genl
Danl Bissell
Comg 8th M Dept }

General Jackson to the Secret of War

Division of the South }

Head Quarters
Nashville 27th March 1821

Sir

I enclose you herewith a communication from General Bissell accompanied with Sundry certificates relative to the conduct of Capt Coombs. From which it appears there can be no evidence procured to support the charges exhibited against him by the late J Fowler Indian Factor.

Capt

Capt Coombs has always been considered a highly meritorious Officer in the Department in which he has served and believing the reports made against him to be false and malicious, I have considered it would be oppressive and unjust to continue his arrest, and have therefore ordered his sword to be returned (unless you should direct to the contrary) which I hope will meet your approbation.

I am Sir
Very Respectfully
Your Obt Servt
(Signed) Andrew Jackson
Maj Genl Comg

The Hon
J. C. Calhoun
Secy of War

Nashville 10th April 1821

Sir — I have the honor to acknowledge the receipt of your communication of the 23rd ulto, and have perused with attention the instructions Contained therein

The Second Article of the Treaty in which it is Stipulated that the Territories of East & west Florida and the Fortifications within the same are ceded and are to be delivered to the United States, is so clear and explicit, that it had never occured to my mind, that attempts would be made by the Spanish Authorities to strip the fortifications of their means of defense — Cannon is an indispensable appendage of a Fortification, and the term Fortification is always understood to include every thing appertaining to a work Con[illegible] for defence

Indeed such was my view of that Article of the Treaty, that I should have Considered the Spanish Government, bound by their cession of the Fortifications with the Territory, to pass over to the United States not only the Fortifications but the Ordance and munitions of war Contained therein

If on my arrival at Pensacola any difficulty should arise on this subject, I will avail myself of your very just suggestions and will endeavour as forcibly as I can to impress the Governor with a sense of the liberal construction which the United States are disposed to give to the treaty

In any event you may rest assured that your instructions shall be most Promptly attended to

I have the honor to be
Very Respt. Sir your Ob Servt
Signed Andrew Jackson

Hon John Quincy Adams
Secty of State

Nashville 10th Apl 1821

Sir

Your letter of the 22d of March with its inclosures has just reached me, upon the receipt of instructions to take possession of Florida, I appointed Genl Gaines to receive St Augustine and its dependencies, and ordered him to proceed forthwith to perform that duty in pursuance to instructions which I had directed to be forwarded to him. But having been informed by your letter above refered to that the Genl has been ordered to the City of Washington to assist in the reduction of the Army and that you apprehend he will not return to his Head Quarters in time to proceed on the duties I had assigned him. I have directed Col. Robert Butler to repair thither and carry into effect the powers & instructions confided to General Gaines. The Col. will leave this by the 15th Inst. and will reach Amelia Island with as little delay as possible. The detention of the Genl therefore at the City will not procrastinate the time of our taking possession of the Floridas — I have the fullest confidence that this duty will be performed by the Col. with judgement and prudence.

Should the Col. be appointed to command a Regiment of Artillery I should be happy if he could be stationed at Pensacola.

I have this day advised Genl Gaines at the City of Washing of the appointment of Colonel Butler to supercede him in the duty which had been assigned him at St Augustine

I am Sir Very respectfy
Your obt. Servt.
Signed Andrew Jackson
Maj Genl Comdg
Div of the S.

Hon. Jno C Calhoun
Secty of War,

Nashville 16th Apl. 1821

Sir

By this days mail I received a communication from the Secretary of War dated 22nd of March, informing me that you had been Ordered to the City of Washington to assist in the reduction of the Army, in which he expresses doubt of your being able to return to your Head Quarters, in time to repair to St. Augustine in pursuance to instructions which I had the honor a few days since to transmit to you, I have therefore by the advice of the Secy of War thought proper to make other arrangements, and have accordingly ordered Col. Robert Butler to proceed forthwith to Amelia Island, & thence to St. Augustine to execute the duty of taking possession of those places & their dependencies,

In the arrangement of the officers for the reduced Army Establishment it would afford me great pleasure if Col. Butler could be retained to command a Regiment of Artillery and be favoured with the Pensacola Station

I am Dr. Genl. very sincerely
your ob. & obt. Servt.
(signed) Andrew Jackson
Maj. Genl. Comdg.
Div. of the S.

Maj. Genl. E. P. Gaines,
City of Washington

Head Quarters
Nashville 10th Apl. 1821

Sir

I have the honor to inclose you a Copy of a report made by Maj.r Perrin Willis to Brig.dr Genl. Bissel together with the Genl. order to him to perform that duty

Respectfully Sir
Your Ob.t Serv.t
Signed Andrew Jackson
Maj.r Genl. Com.dg
Div of the South

Hon. J. C. Calhoun
Secty of war.

Head Quarters
Nashville 13th April 1821.

Sir

In looking over the letter addressed to you on the 10th Inst. I discover that there was an omission in not stating that Col. Butler was only provisionally appointed a commissioner to receive possession of Fort St. Augustine and its dependencies, with authority to act in the event of your not being able to attend to that duty.

Col. Butler will proceed there immediately and in the event of your absence will perform that duty.

I have the honor &c

Signed Andrew Jackson

Major Genl. E. P. Gaines

Head Quarters Div. of the So.
Nashville 12th Apl. 1821

Captain Richd. K, Call

Sir,

You will proceed with as much dispatch as possible to Mont Pelier Alabama and there await my arrival,

Should Col. Forbes have arrived at Pensacola with dispatches for me, you will receive them, and should they indicate the readiness of the Governor of Pensacola to deliver possession of the Country, you will immediately Communicate ~~the~~ same to me by express by water, to New Orleans, and make the necessary preparations for the removal of the 4th Infantry ~~at~~ Mont Pelier and the Company of Artillery at Mobile ~~Point~~ to Pensacola

Should you find it necessary to communicate with me by Express, you will charge him to keep a Street look out on his way to New Orleans for me as I shall not detain more than four days in that City, But if you receive dispatches and the time pointed out for the delivery of the Country, should not require my immediate presence, you will not forward an express but proceed nevertheless to prepare the Troops for a prompt movement

Respectfully
your obt. Servt.

Signed Andrew Jackson

Capt. Richd. K. Call
Aid de Camp,

Nashville Apl. 14th 1821

Sir

I sail from this place at One Oclock P. M. this day. I have dispatched my Aid de Camp Captain Call to Mont Pelier with instructions to receive the communications from Col. Forbes should he arrive before I reach that place And to the place destined for the Occupation of Pensacola in readiness to move at a moments warning, I hope to reach Mont Pelier by the 1st of next month should I not be detained in New Orleans for a Vessel to transport me

I have heretofore requested an order from you to transfer to the Qr. Ms. & P. Mr. Department the balance in my hands of the funds appropriated for the Choctaw Treaty with a view to close my accounts with the Indian Department.

In consequence of a letter from Major Eaton to Mr. Easton stating that he would be allowed a further sum of two thousand dollars agreeably to the recommendation of Genl. Hinds Doct. Bronaugh and myself, I have placed in the hands of Mr. Easton two thousand dollars and taken his note to refund it in like money if the allowance should not be made him.- The balance I take with me and will thank you for instructions how to apply it.-

I have the honor to be
your Obt. Servt.
(Signed). Andrew. Jackson

Hon
John C Calhoun
Secy of war

Nashville
14th Apl, 1821

Sir
I have the honor to inform you that I sail from this place to day at 1 Oclock P.M.
I have dispatched my Aid de Camp Captain Call to Mont Pelier with instructions to recieve the communications from Colo. Forbes in the event of his arrival before I reach that place, and to place the Troops destined to occupy Pensacola in a State of readiness to march at a moments warning—
I hope to reach Mont Pelier by the 1st of next month should I not be detained at New Orleans for a vessel to transport me
I am Sir with Great respect
your mo. Ob. Sr
(Signed) Andrew Jackson

Hon
John Q. Adams
Secty of State

Blakely April 29th 1821

Sir
I am instructed by Genl. Jackson to inform you that your company will be used in taking possession of Pensacola, and that he expects you will hold it in readiness to march as soon as ordered — The Genl regrets that necessity prevents him from detaining until he could see you — He leaves this as soon as his horses arrive from Montpelier — The time of his moving to Pensacola depends upon information to be recd— at Montpelier
I am Sir with great respect
yr. m obt. servant
A J Donelson
Aid de Camp

Capt C. Cook
County compy settly
near Mobile

Div. of the South
H. Q.rs Nashville
14th Apl 1821

Sir

Inclosed is the Order of Saml R Overton Esqr On the Secy of war for three Hundred & forty Eight dollars forwarded under the instructions contained in your letter of the 13th Jany last.

You will also find enclosed the Rect of Easton & Butler for Fifty two dollars 90 Cents paid them agreeably to your instructions of the 16th of last Month both of which you will please pass to my Credit with the Indian Dept. and Acknowledge the rect thereof

I am Sir Very Respectfully
your Mo Obt Servt.
(Signed) Andrew Jackson

Wm Lee Esqr
2nd Audr Try Dept

Copy
Philadelphia
Jany 26th 1821

Sir

At sight pay to Genl Andrew Jackson Three Hundred & forty Eight dollars the amt of my Account For Services &c at the late Treaty with the Choctaws which Sum has been paid to me by Wm Lee 2nd Auditor of the Treasy Dept. and Charged to the Account of Genl Andrew Jackson

Samuel R. Overton
(Signed)

Hon Jno C. Calhoun
Secty of war

~~Blakely, May 1st 1821~~

~~Sir~~

~~I am directed by the Commandg Genl~~

Blakely May 1st. 1821

Sir

You will direct Capt Rogers of the Commissariat Department at New Orleans, forthwith to have in readiness hard bread or sea biscuits, sufficient to ration for five days, five hundred men —

By order of the Comndg Genl—

Yr obt servant (Sd) Andrew J. Donelson
Aid de Camp

Majr Henry Staunton
Depty Qur master Genl—

Division of the South

Head Quarters
Blakely 2d May 1821

Sir

The Commanding General directs the 4th Regiment of Infantry will be held in immediate readiness to march to, and occupy Pensacola and its dependencies at the shortest notice,

I am Sir
Very Respectfully
Your obt St
R K Call
Aid-de-Camp

Col G M Brooke
Comng 4th Regt Infy

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Division of the South

Head Quarters
Blakely 3rd May 1821

Sir

Agreeable to your request you ~~[illegible]~~ you are hereby permitted to returne to Athens Alabama the residence of your family.

On your arrival at Athens you will immediately report yourself to the Secretary of War, and await his further orders for your returne to your command or an extention of your furlough.

Very Respectfully
Yours
(By Order) R K Call
A. D. C.

Lieut Col
Wil Lindsey
4th Bat Artillery

Head Quarters. Blakely
May 6th 1821

Sir

You have permission to repair on furlough to your Mother's in New York, where, after arriving you will report immediately to the Secretary of War for orders. Previous to your departure from this place you will re-port to your Commang Officer, and state the circumstances of your being furloughed

Yrs respt

(Signed) Andrew Jackson

Edgar Hantiny
St 7th Infy

Division of the South } Head Quarters
Blakely May 7th 1821

Sir,

The Commdg Genl. directs the 4th Regiment of Infantry, will be held in immediate readiness to march to, and occupy Pensacola and its dependencies, at the shortest notice.

Signed, Andrew Jackson
Majr. Genl. Commdg

Col. Brooke
Commdg 4th Regt.

Division of the South } Head Quarters, Blakely May 7th 1821.

Sir

You will proceed to New Orleans, and provide the transports and supplies, necessary to convey and subsist the Spanish troops, from Pensacola to the Havanna, agreeably to the instructions you have received from Genl. Jackson —

By order,
Yr. Obt. servant,
Andrew J Donelson
Aid de Camp

Majr. Henry Stanton
Dept. Q. M. Genl.

Division of the South

Head Quarters
Mount Pelier 10th May 1821

General Orders

By the recommendation of Col. George M. Brooke comg the 4th Regt of Infantry the following Prisoners, Sentenced by a General Court Martial to hard labour and confinement are hereby released and will be ordered to report for duty in their respective Companies. (Viz) William Shersey, Francis King, James Frazier, William Minney, Stephen P Cannell, Claiborn Hardie, John M Clarke, William Jackson, Naan Driggers, William Davis, Henry Benner, George Mill Reubin, George, Peter Flemming.

Desertion is one of the highest Military crimes which can be committed by a Soldier it demands the most exemplary punishment and the Commanding General hopes that in receiving the pardon which is hereby extended, that the Prisoners will not forget that the reputation which they have lost by the commission of crimes, can only be regained by the most exemplary conduct, and a prompt obedience to every call of duty.

By Order
R K Call
Aid-De-Camp

Division of the South }

Head Quarters
Montpelier 10th May. 1821

General orders,

The Commanding Genl. would do injustice to his feelings, were he to withold an expression of the pleasure with which he reviewed the 4th Regiment of Infantry, commanded by Col: George M. Brooke this morning. The police of every Department of the Cantonment, the dress and discipline of the soldiers, reflect on themselves and their officers the highest credit. They have surpassed the expectation of their Genl., and their discipline, and soldierly appearance, offers an assurance that in battle they would realise the hopes and expectation of their Country ——

By order,
R. K. Call
Aid de Camp

Division of the South }

General orders,

A General Court martial, to consist of seven members and one supernumerary member, will convene at this place on the 11th inst. at 10 oclock A. M., for the trial of such prisoners as may be brought before it —

Brevet Majr C, Montgomery, of the 7th Infantry, is appointed President. The detail of the other members with an orderly will be directed by the Commanding officer of the 4th Infy, — S, O, Hayne, army Judge Advocate, will attend the Court.

By order,
R. K. Call
Aid de Camp

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Division of the South

Head Quarters
Montpelier, May 19th 1821

Sir,

The Commanding Genl., desirous that the troops necessary to occupy Pensacola, should move together from this place, instructs me to order, that you deposit your heavy baggage in Mobile to the charge of some trusty person, who will forward it to Pensacola in the public vessel that will be ordered for that purpose; and also, that you inform yourself of the state of the Ordnance at Mobile Point, and if you find the carriage of a six, nine, or twelve pounder, strong enough for service, you will order the piece selected with ammunition for twenty-five fires, to be conveyed with the utmost dispatch by water, if a vessel should present itself, if not, by land carriage to this place. You will then march your command to this place, taking care to bring with you tents and other camp equipage necessary for your march, from this to Pensacola—

Provision is provided for you here, you will therefore only ration your men for their march to this place—

I am Sir, with great respect
yr. Obt. humble servant
A J Donelson
Aid de Camp

Capt. C. Root
Commg. comp.y Artl.
near Mobile

Division of }
the South }

Head Quarters,
Montpelier, May 12th 1821

Sir

In addition to the order of this date for the removal of your command to this place, I am further instructed by the Commanding Genl, to request, that you require ten thousand cartridges of the Conductor of Ordnance or Artillery at Mobile, upon this order, and send them up to this place as soon as practicable —

I am Sir, with great respect
Y. Obt. Servant
Andrew J Donelson
Aid de Camp

Capt C Root
Command. Comp. A 7
near Mobile

Division of }
the South }

Head Quarters,
Montpelier May 13th 1821

Sir,

Captain Root will deliver to you a quantity of baggage and as many men as you may think are necessary in order to assist you in ascending the Alabama as far as the landing opposite to this place bayou Montgomery, at which place you will anchor as soon as practicable, and report your arrival to Col. Brooke commandant of the 4th Regt of Infantry, By Command,

Y. Obt servant.
A J Donelson
Aid de Camp

Capt Sevier
Of the Public transport Shields
Blakely

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Division of the South }

Head Quarters,
Montpelier May 13th 1821

Sir

The Commanding Genl, ~~Sout then Shields~~ having just been informed that the Shields Capt Swiler, has on board ~~forty thousand~~ a sufficient quantity of cartridges for this place, issued upon a requisition of the Col of the 4th Regiment, countermands the order requiring you to draw of the conductor of Ordnance at Mobile, ten thousand cartridges.

The Shields is ordered to the bayou Montgomery, you will therefore avail yourself of this opportunity, in putting on board her, the piece of Artillery ordered, your tents and such other baggage as will not be necessary for your march to this place; you will also put on board as many ~~as many~~ of your men, as the Capt of the Shields will say are necessary to expedite his arrival at the bayou Montgomery –

If the piece of Artillery spoken of, should not be in time at Mobile to be put on board the Shields, she will not detain on that account; you will in that case, therefore, transport her agreeably to the order of the 12th.

I am Sir, with respect
Yr Obt servant
A J Donelson
Aid D Camp

Capt C Root
Commdg Compy Arty
near Mobile

Division of the South } Head Quarters,
Cant. Montpelier,
May 14th 1821

General Order,

By a Genl Court-martial convened and held at Cant. Montpelier, A., on the 11th inst. whereof Brevet Maj^r Montgomery is President, was tried Capt. James H Gale 4th Reg^t of U. S. Inf^y, arraigned on the following charges and specifications — Charge 1st, Disobedience of orders and Unofficerlike conduct —, Specification 1st, In this that the aforesaid Capt. James H Gale having on or about the 1st of March 1821, been regularly detailed for and received the Guards as Off^r of the Day, did in the temporary absence of his Commanding Officer order the Adj^t of the 4th Reg^t Lt Barclay to detail an Officer to relieve him, and caused himself to be relieved in the duties of Off^r of the Day by Capt P Wager of the 4th Inf^y, before he had served out the tour for which he had been detailed, in violation of the order of detail and the 4th Regimental order of the 28th Novr 1819.

Spec^n 2nd, In this, that the aforesaid Capt James H Gale, having on the evening of the 30th of April 1821 been regularly detailed for drill at 10 o'clock A. M. on the 1st of May following, did fail and neglect promptly to obey this order of detail, when the usual signal was given on the drum for the troops to turn out for drill, thereby violating the order of detail and the preceding 4th Regimental order of the 28th Novr 1819 — This done at Cantonment Montpelier Alabama,

Charge 2nd, Neglect of Duty,

Specification, In this that the aforesaid Capt James H Gale, having on the evening of the 30th of April 1821 been regularly detailed for drill at 10 o'clock A. M. on the first of May following did fail and neglect promptly to obey the order of detail, when the usual signal was given on the drum for the troops to turn out for the drill — This done at Cantonment, Montpelier Alabama —

The Court after mature deliberation on the testimony ad-
-duced, find the facts proved as set forth in the 1st Spec. 1st Charge
so far as the words "for which he had been detailed" but find
the prisoner not guilty of violating the order of detail, nor the
Regimental order of the 20th November 1819 —

As to the 2nd Spec. 1st Charge, the Court find the
Prisoner guilty of the facts, with the exception of the word
"neglect" but not guilty of violating the order of detail or
the 4th Regimental order of 20th Novr 1819, and not guilty of
the first Charge —

The Court find the facts set forth in the Spec.
of the 2nd Charge, with the exception of the word "neglect", and
not guilty of the 2nd Charge —

The Court acquit the prisoner Capt James H Gale
4th Regiment of Infantry

C. Montgomery
Signed, Capt 7th and Brevet Major &
President Genl Court Martial

Signed,
S P Hayne
J Advocate
S. Division

The Commanding General has received and
examined attentively the proceedings of the Genl Court-martial,
and of which Brevet Maj C Montgomery was president — He
is at a loss to know by what construction of our military laws,
the court has arrived at the conclusion that a prisoner, though
guilty of the facts specified in a charge and those facts plain
instances of insubordination and disorder, has nevertheless
not been guilty of direct disobedience of orders and unofficer
-like conduct — He cannot for this contradiction in the
sentence and finding of the Court, unless the order forbidding
the officer next in rank to make any alteration in the General

Government of the camp, during the temporary absence of the Commanding Officer, has been viewed as illegal – the finding of the court, however, in this case he deems wrong, and disapproves in toto, the sentence and finding of the Court

The General conceives, that whenever an officer is ordered on any specific duty he can neither relieve himself, nor assume any command independent of that duty, without the command of the officer ordering the duty, and regarding the case in question, that, in the temporary absence of the commanding officer of a post, if the officer next in rank should have been assigned to any legal duty – that officer while in the discharge of that duty, according to Military custom would not assume the command, but the officer next in rank and not assigned to any specific duty. — With this view of the subject, the General hopes that the officers of the 4th Regiment, will not hereafter mistake the rules of subordination and discipline, so necessary to the life and safety of an army —

Captain Gale will receive his sword, and report for duty to his commanding officer

By command,

A J Donelson

Aid de Camp

Division of the South

Head Quarters,

Canty Montpelier May 15th 1821

General Orders,

By the General Court-martial held at this place on the 12th and 14th instant, of which Brevt Majr C Montgomery is President, were tried prisoners James Benson and John O Donald, privates of the 4th Regt of Infantry, under charges, 1st, of Desertion and 2nd of destruction of public property –

The Court find the prisoner James Benson

guilty of the first charge but not guilty of the second, and sentence him "to make good the time lost by desertion, to be confined to hard labour with a ball and chain attached to his leg for the remainder of his term of service, to have his whiskey rations stopped, refund thirty dollars expended for his apprehension, and at the expiration of his term of service be drummed out of service, with his head shaved" —

The court find the prisoner John O Donald guilty of the first and also of the second charge, and sentence him "to make good the time lost by desertion, to be confined to hard labour with a ball and chain attached to his leg for the remainder of his term of service, to have his whiskey rations stopped, to refund thirty dollars expended for his apprehension, and thirteen dollars for the loss of his musquet, and at the expiration of his term of service, to be drummed out of camp with his head shaved —

(Signed) E Montgomery Capt of the 7th Regt Infy and Brevt Majr President Court Martial

(Sd) S D Hays
J. Advocate,

The Commanding Genl approves the proceedings of the Court, and directs the sentence to be carried into execution — By order,

A J Donelson
Aid de Camp

Head Quarters,
Division of the South } Montpelier May 17th 1821

Sir

I am instructed by the Comandg Genl, to state in reply to your letter of the 28" ult, that he feels sensibly your claims to indulgence on account of services, and that from his present situation, he much regrets the necessity to limit the

leave of absence asked for — In consequence of his military command ceasing on the 1st of June next, the Genl can only permit you (in case of you have not received instructions from the W. Dept requiring your continuance in your Dept), to repair to St Louis and thence report for orders to the Secretary of War — The Genl feels confident, that previous to your departure you will give such instructions to the Officer commanding in your absence, as will preserve the good order of your Department.

I am Sir, with great respect, yr. ob. obt servant

S J Donelson
A D Camp

Brig Genl Danl Bissell
Commg 8th Mil Dept

Division of the South

Head Quarters
Montpelier May 10th 1821

Sir

The General Court-martial of which Brevet Maj C Montgomery is President, having finished the business before it, and as it is probable your professional services will not again be required in this section of country, you will proceed to Nashville and arrange the papers of your office, preparatory to leaving the service on the first of June next

I am Sir, with great respect
Yr. obt servant
(Sign) Andrew Jackson

S D Hays
J Advocate S. D.

Division of the South

Head Quarters,
Cant. Montpelier, May 18th 182

General Orders,

By the General Court-Martial convened at this place on the 11th, in pursuance to orders of the 10th inst, whereof Brevet Majr C Montgomery is President, was tried Lieut H W Miller of the 4th Regt Infy arraigned on the following charge and specifications

Charge — Disobedience of orders and unofficerlike conduct.

Spn 1st In this, that the said Lieut H W Miller of the 4th Regt U S Infy, on or about the 1st May 1821 at Cant. Montpelier A, did positively fail and refuse to turn over the company then on drill to his superior Officer Lieut Brooke who was detailed for that duty, and ordered him to do so; yet, the said Lieut Miller did persist in his refusal, and did swear in the presence of said company "he be damned if he would obey the order, and that he would drill the company, or words to that effect, altho Lieut Brooke his superior officer informed him he assumed the command and required him to take his post.

Spn 2nd, In this, that the said Lieut Miller of the 4th Regt of Infy did on or about the 1st May 1821 at Cant. Montpelier, A, fail and refuse to comply with a positive order given him by his superior officer the said Lieut Brooke, to turn over to him the company then on drill, which order the said Lieut Miller failed and refused to comply with in a very contemptuous manner, swearing in the presence of said company he should do no such thing

The Court after mature deliberation on the evidence adduced, find the Prisoner Lieut H W Miller 4th U S Infy guilty of the first and second specifications of the charge

and guilty of the charge

The court view the offence of which the prisoner has been found guilty as of a high military character; but from the circumstances of the case, believe he might have acted under erroneous impressions, on a point of duty, and do therefore only sentence him to be suspended from all rank and pay for six months

(Signed) Capt C Montgomery,
7th Inf.y and Maj.r by Brevet
President Court-martial

Signed,
S L Hays
J Advocate
D of the South

The Commanding Gen'l has attentively considered the proceedings in the case of Lt F W Miller, charged with "disobedience of orders and unofficer-like conduct", and has arrived at the following conclusions –

1st, that the testimony of Lt Brooke which goes positively to prove, that he ordered the prisoner to surrender to him the command of the drill, and that he, in a contemptuous manner refused, is sufficient to establish the charge, notwithstanding the negative testimony that no such order nor such contemptuous expressions were heard

2d, the prisoner urging, that having been detailed for this special duty and placed in command by the Adjt of the Regt, and that, having entered upon that duty he was bound to perform it, he was bound to perform it, unless relieved or superseded by orders from the commanding officer; would have been a strong and good defence, provided his case had come within this rule by evidence — for as this it is in the general true, that all sub–

-ordinate officers are bound in ordinary cases, to obey the command of a superior; yet when an officer is detailed by proper authority for duty, and charged with a particular and special command, an intermediate officer altho superior in rank cannot legally interfere or assume the command — it follows therefore, that to make a command lawful, the officer giving it must be legally authorised. The 9th Article of War says, that the superior is bound to obey the lawful command of his superior, but it cannot be justly concluded, that an intermediate officer can legally countermand the orders of his superior given to an inferior, for the perform-ance of special and specific duties — such as officer of guards, reconnoitring parties &c. But in all cases, where the feelings of a subordinate who receives an order which he deems illegal will permit — the best and safest course is to obey it, and throw the responsibility upon his superior. But altho' this is the safe course, still, if the subordinate should be convinced that the order is illegal and an improper interference with his rights, he may assume upon himself the awful responsibility of refusing obedience — but when he does this, he must be fully ~~assured~~ prepared to establish the fact, that the command of his superior was illegal, and that under the 9th Article of War, he was not bound to obey it. But the testimony in this case, it is conceived, does not come within the principles here laid down, there being evidence, that the prisoner was detailed by the Adjt to supply the case of Lt Hull, who had been ordered with Capt Gale and Lt Brooke for drill and that he, the Prisoner, stated to Capt Gale that he knew Lt Brooke had been detailed for the drill; possessing this information, therefore, whatever might have been his impressions at the time he received the company

for drill from the Adjt, the moment the command was claimed by Lt Brooke, it was his duty to have acquiesced and surrendered it.

The Commdg Genl cannot refrain from an expression of his regret at the circumstances which have led to the present trial. Had Capt Gale obeyed the order of detail, and been present with Lt Brooke to perform the duties which they were bound to do, the event which has given rise to this investigation could not possibly have occurred.

The Command. Genl approves the sentence of the Genl Court Martial of which Brevt Majr C Montgomery is President, in the case of Lt F W. Miller of the 4th U S Regt Infy; but, from a consideration of all the circumstances of the case, and believing that his conduct arose not so much from a wilful disobedience of orders, as from a misapprehension of duty, is induced to remit the sentence punishment, with a hope that it will operate as a lesson in future.

Lt Miller will therefore receive his sword and return to duty—

The General Court-martial of which Brevt Majr C Montgomery is President, is hereby dissolved —— By order,

A J Donelson

Aid de Camp

Division of } Head Quarters,
the South }
Montpelier May 19th 1821

Sir, I have the honor to enclose you herewith a recommendation of Col George M. Brooke in favor of Captain Joseph Shomo, late Capt of the 4th U S Regt Infy, and at present its sutler. I fully agree with Col Brooke in the merits of this young man, and earnestly request that you give him a warrant as sutler,

I have the honor to be
with great respect
Yr. Mo Obt servant
(Signed) Andrew Jackson

The Honble,
J C Calhoun
Secy of War

Division of } Head Quarters
the South } Mont Pelier 25th May 1821

General Orders
The Company of Captain Chester Root of the Corps of Artillery will be encamped within the limits of Cantonment Mont Pelier and reported for duty to Col G. M. Brooke Comdg 4th Regt Infantry

By Order
R. K. Call
A. D. Camp.

Division of the South

Head Quarters
Montpelier, May 29th 1821

General Orders,

Upon the recommendation of Capt C. Rock of the Arty, the following privates of his company viz, Archibald McCockle, James McCockle, Saml Hartman, Richard Minister, and Christopher Dayley, sentenced to wear a ball and chain for the remaining period of their enlistments, are hereby pardoned and released from the sentence, except so much of it as relates to the reimbursement to the United States of the expenses incurred in their apprehension — they will be returned to duty immediately

By order

A J Donelson
A D Camp

Division of the South

Head Quarters,
Montpelier May 31st 1821

General Orders,

The Commanding Genl, attended with this morning with peculiar pleasure, the inspection of the 4th Regt of Infy & the compy of Artillery, commanded by Col George M Brooke.

He is more strongly impressed with the justice of the opinion he has previously expressed, of their merits as soldiers — The excellence of their discipline, the system and order of their police, and their general martial appearance, honor equally the skill of the officers, and the attention and pride of the soldiers — Such are the qualities which giving to soldiers the confidence and defence of

their country, entitle them to a share of its honors and rewards,

That this, perhaps the last act of the Generals military service, has been a review of soldiers realizing a character which reflects honor upon the American service, is truly gratifying, and without an abuse of that character, he could not have withheld this expression of the high sense he entertains of their claims to the honorable calling of soldiers

By order

A. J. Donelson

Aid de camp

Pensacola
15th July 1821.

Sir

Your letter of the first of May was duly recd and I now enclose you the receipt of Capt. Danl: E. Burch Bat. Pay Mr. for $3958.93 the amount which you stated to be due after my paying over to Mr. Easten the sum of $2000.

I have directed the Cashier of the Branch Bank of the State of Ten: at Nashville, to forward you Mr. Eastens receipt, and I hope the instant that it is recd you will acknowledge its receipt and close my account as commissioner under the Choctaw Treaty

Y. Obt. St.

Wm Lee 2d Auditor —

(Signed) Andrew Jackson

Pensacola July 22nd 1821

Sir, you will proceed direct to New Orleans and execute the business entrusted to your charge by Majr Staunton of the Quarter Master Dept. Having completed this business you will return as soon as practicable to this place

yrs respectfully

(Signed,) Andrew Jackson
Governor of Florida

Lt A J Donelson
Engr Corps

Head Quarters
D of the South

Montpelier
31st May 1821

This day, officers & Soldiers, closes my military functions, and consequently, dissolves the military connection, which has hitherto existed between you and myself as the commander of the Southern Division of the army of the United States. Many of us have passed together days of toil & nights of vigilence. Together, we have seen the termination of one British, and of two Indian wars, in which we have encountered fatigues, privations, and dangers. Attachments, & friendships formed by associations of this kind, are the most durable, and my feelings will not permit me in retiring from my military command, to take a silent leave of my companions in arms. Justice to you, and to my own feelings, requires that I should place before our common country, the testimony of my approbation of your military conduct, and the expression of my individual regard. Under the present organization for the reduction of the army, agreeably to the act of Congress, many valuable officers, who have served with me, have been suddenly deprived of the profession which they had embraced and thrown upon the world; but let this be your consolation that the gratitude of your country still cherishes you

as his defenders and deliverers while wisdom condemns the hasty & ill timed policy which has occasioned your disbandment, and that too, while security was yet to be given to our extensive frontier by the erections of the necessary fortifications for its defence, greatly extended as that frontier has been by the recent acquisition of the Floridas. But you fellow Soldiers, have that which cannot be taken from you, the Consciousness of having done your duty, and with your Brother officers who are retained, by having defended the American Eagle wherever it was endangered. —

To you my brother Officers who are retained in the Service of your country, permit me to recommend the Cultivation of that harmony & friendship towards each other which will render you a band of brothers: it is your duty so to conduct yourselves on all occasions as that your enemies shall have no just cause for censure. It ought to be borne in mind, that every Captain, should be to his company as a Father, and should treat it as his family — as his Children; continue then as heretofore, when under my command, to watch over it with a fathers tenderness & care; treat them like children — admonish them, and if unhappily, admonition will not have the desired effect — Coersion must. The want of discipline, and Order, will inevitably produce a spirit of insubordination as destructive to an army as Cowardice, and will as certainly lead to disaster & disgrace in the hour of battle; this, as you regard your Military reputation & your Country's good, you must prevent. Imploring from heaven a blessing upon you all, I bid you an affectionate adieu. —

Signed Andrew Jackson
Major Genl. Comdg
the Division of the South

Note. My official duties having prevented the promulgation of this order until this time, an opportunity has been afforded of seeing the "General Order" dated Head Quarters

of the Army of the States Washington City, June 1st 1821" Signed "Jacob Brown". Justice to the Officers of the southern division, as well as to myself, compels me to offer some remarks upon the following extract from that order. —

"The prevalence of desertion has been an evil of serious „magnitude, and it does not appear to be justified by a view of the past condition of the Military establishment. All research in this „field for its causes has been unsatisfactory. the character of the „Military profession is honorable; the Soldier is as well provided with „comforts as the Citizen in common life, and his occupation is neither more offensive nor more laborious. there are restless discontented „Spirits in every sphere of life, which no indulgence nor kindness „can bind to stability; but these examples do not exist in sufficient „number to justify the range desertion has taken in the army. „the evil must be referred, in a degree to an undue severity or to „the absence of system in the conduct of Officers towards „their men the officer is the depositary of the rights of the Soldier „and the obligation of his office, as well as the laws of honor „and humanity, claim a faithful execution of the trust; when „the Soldier ceases to regard the officer as his protector, the „authority with which the laws invest the latter loses its efficacy „in his estimation the surest remedy for the evil of desertion is „contained in a rigid and steady discipline; to be salutary „it must possess both these qualities, but no violation of law „can be deemed essential to its enforcement; its effect upon „the Soldier becomes impaired, the moment ~~that~~ he feels that „the system which governs him is fluctuating in its course „or that it violates the principles upon which it is founded „the certainty of laws constitutes their principal efficacy, and „however severe restrictions may be, they are obeyed so long as „they are dispensed by the hand of justice and not oppression"

This censure is too general to be just. the time at which it is made, and the source whence it comes, have astonished every generous soldier. —

The part which attributes in a degree to an undue
Severity, or to the absence of System in the Conduct of Officers
towards their men, the unexampled prevalence of desertion
in our Army, so far as relates to the D. of the South, I do
unhesitatingly say, is not founded in fact. It is due to
Candor and to truth, to attribute this evil to its real cause;
this will be found to exist in the want of adequate punish-
ment for the crime of Desertion. That prescribed by law, in a State
of peace, transcends the offence, & no other Certain punishment
is authorised. While this is the case, desertion will increase,
let the conduct of the officers towards their men, be ever so-
lenient. It is a well known fact, that more desertions have taken
place at recruiting rendezvous, than have occurred in the Regim-
ents, and at no recruiting rendezvous in the D. of the South-
has there been, as far as I am informed, any punishment inflicted
upon Soldiers, excepting by the Civil authority. It is well
known, that in many instances, the soldier has found it-
a source of speculation to go from rendezvous to rendezvous enlisting,
receiving the bounty, and deserting. In some instances, this has
been practised from Boston to New Orleans.
The punishment at present inflicted for Desertion, is hard labor
with the Ball & Chain: but this bears more heavily upon
the faithful Soldier, who is compelled to guard the Convict
under a hot sun, with all his accoutrements on, than it
does upon him whom it is intended to punish. Every
desertion, therefore, but adds to the duties and increases the
fatigues of the faithful and trusty Soldier. And suppose the
Convict will not labor, by what means is he to be coerced?
Stripes and lashes are prohibited, there are no dungeons, the
Guard Houses are pleasant places for the lazy worthless Soldier,
who sleeps & snores, while the faithful Centinel is at his
post, on his nightly watch guarding him. Is not this
with the general pardons so frequently extended by the
orders of the President, calculated to cause the best

Soldiers, who are oppressed with double duty in guarding the worst, to meditate desertion also?

The government must annex an adequate & certain punishment for the crime of desertion, and, experience compels me to say it, although at variance with the more refined & sensative feelings of the day - must restore corporeal punishment in the regulations for the government of the army, as it formerly existed, and as it now exists in the navy, or desertion & insubordination will still increase. But it is said to be dishonorable; why should it be more so in the army, than in the navy? Is it more dishonorable to receive twentyfive stripes and be ordered to immediate duty, than to be manacled with chains for months & years, an object of disgust to every freeman, who sees him, more properly an appendage of ancient despotism, than any thing belonging to republican institutions? Let the deserter in time of peace, for the first offence receive thirty nine stripes, for the second double that number, and for the third let him feel the highest penalty of the law, I will venture to say that a few examples will put an end to that extraordinary frequency of desertion which at present prevails, and the cause of which, has been so unjustly imputed" to an undue severity, or to the absence of system in the conduct of officers towards their men -

I sincerely regret the cause which has given rise to these remarks, but the reputation of those officers in common with whom I have encountered so many toils & dangers, is dear to me; and I cannot remain silent when I perceive an unjust attempt to tarnish their well earned fame, let the motives which dictated the objectionable passage in the order be what they may. These remarks my brother officers, flow from a pure source of Justice to you, popularity I have never sought, I have pursued the course which I deemed right, and have done Justice to all according to my best Judgement, this I trust I have rendered to you all during the time

I had the honor to command you— and that happiness may attend you all, that your country may duly appreciate your worth, as her citizen soldiers, shall be my last and most sincere prayer—

21st July 1821 (Signed) "Andrew Jackson"

Pensacola August 28th 1821

Sir,

I have received your letter bearing date the 1st inst. in which you inform me, that the sum of Five thousand dollars has been placed to my credit in the Branch of the Bank of the U: States at New Orleans; and that a draft on Messrs. McLanahan and Bogart was also forwarded for the like sum, which you inform me has been accepted, and when paid will in like manner be placed to my credit— I have this day executed my check for Five thousand dollars made payable to Andrew J Donelson or his Order—

You will advise me of the last sum being placed to my credit, so soon as the draft shall have been paid—

I remain very respectfully
Y. M. O. S.
(Signed) Andrew Jackson

C. Salomon Esqr. Cashier
Branch of the Bank U. S.
at New Orleans

Pensacola 12th August 1821

Sir,

As you have not yet been apprized, whether you are permanently retained as the Col. of the 4th Regt. Infantry, I deem it necessary that you should before assuming the command thereof proceed to Nashville Tennessee and arrange the documents appertaining to the Adjutant Generals Office of the South Division, and take the orders of the Secretary of War for their final disposition— You will also close your accounts for expenditures made for the Q. Master General previous to leaving Nashville—

When you shall have completed these

arrangements, and received the direction of the Secretary of War relative to the public documents of your late Office, you will report yourself to Maj. General Gaines by letter at Louisville Kentucky for his orders.—

You are entitled to transportation from Nashville Tennessee to Augustine, thence to Pensacola and lastly to Nashville all of which trips have been expressly under my orders.— You are expected to execute the foregoing order so soon as your horses shall be sufficiently recruited.

Signed.

Andrew Jackson
Gov. of the Floridas
&c. &c. &c.

Col. R. Butler
4th. Infantry

Pensacola
August 24th 1821.

Sir

To render the necessary security to this Province, consistent with the nature of the works and the necessary force within the same; I deem it proper to call your attention to the making requisitions for the supplies which may be wanted for this purpose, and to make me a report of the actual condition of the Fortifications in which you will enumerate (if any necessary) such repairs as the state of the same requires, together with the copies of the requisitions you may make to the end that I may correspond with the proper Department of the Government in time for the meeting of the ensuing Congress.

I am Sir very respectfully
Y. Mo. Obt. Servt.
(Signed) Andrew Jackson
Governor of the Floridas
&c &c &c ———

Lt. Col: G. M. Brooke
commandg. 4th. Regt.
U. S. Infy.

note, an order of the same tenor & date sent to Capt. [illegible] at Augustine [illegible]

Pensacola August 29th 1821

Sir

I have the pleasure to acknowledge the receipt of your note of this morning inclosing the report of Capt Donoho of yesterday, relating to the extraordinary conduct of Lt Dulany; and also the escape of two prisoners, from the Prison whilst under his guard. From the circumstances reported, it is but reasonable to conjecture that Lt Dulany's mind must be impaired; I would therefore recommend, that you order him (or send him on furlough) to the city of Washington to report himself to the Sec of war, stating to the Sec of war all the circumstances attending him, and reporting particularly the circumstances reported by Capt Donoho.

Lt Dulany must not hereafter be be entrusted with the guard of the Prison, and as it appears to me, that his mind, is, at times greatly impaired, a misfortune that every humane mind must regret.— I think it due to his misfortune, that he should be ordered to the city to report to the Sec of war, and that his transportation be furnished him, and also that he be placed under charge of some respectable character in whom confidence can be reposed that will watch over, and take care of untill he reaches the city of Washington.

I am Sir with due respect
yr mo ob servt.

Andrew Jackson
Govr. of the Floridas &c &c

Lt Col. G. M. Brook
Comdg 4th U States
Infantry
present

Pensacola 2nd of Septbr 1821

Sir

By the mail last evening I received under cover from Capt Call a letter with signature headed thus "a letter written by J. A. Penieres to Govr. A Jackson Govr. of the Floridas; dated Sicatata July 16th 1821," which I inclose to you for your information, and also a letter from Horatio Dexter on the subject of Indian affairs — I have to observe that Mr Penieres is incorrect as to the number of Indians mentioned, and particularly so, as it regards the number of Inhabitants at Pensacola.

The population of Pensacola & its vicinity is estimated at three thousand.

I have no doubt but a garrison would be usefull at Sacatata, provided the Indians are not concentrated together, and imbodied on the lands reserved for the Creek nation. — But this must be done, or the frontier will be much weakened by the Indian settlements, and be a perpetual harbour for our slaves.

These runaway negroes spoken of by Mr Pen-nieres, must be removed from the Floridas or scenes of murder and confusion will exist, and lead to unhappy circumstances that cannot be controlled. With a little trouble and expence all the Indians in the Floridas could be removed up into the creek nation and at once consolidated with them but if not done at first, disagreable consequences will grow out of their remaining in the floridas that the arm of Government will find it difficult to controul, you are fully advised of my my opinion upon this subject heretofore to which I refer you and the diminution —

I have no doubt of the propriety of establishing a Garrison at Tampa Bay and the sooner this is done, the better for the safety of the Frontier, as well as the benefit of the Treasury, as it will put down smuggling goods into the Indian nation, and from thence wherever the smuggler chooses— I enclose you a report from Col: Brooke commanding the Troops on this station with a requisition for the necessary supplies, to place the Barrancas in a state of use=fulness and defence, with his report of the state of the works, to which I beg leave to draw your early attention— I know not where to address Mr. Forbes I have recd. a letter to his address from the Treasury Department; expecting him here daily I have lodged it in the Post office for him. I have not recd. the letter from him of the 9th. of May and the enclosed as I send it to you, is the only written account I have had of, or from him; and until I hear from you positively, what course the Government means to adopt with regard to the Indians in the Floridas, and where it means to locate them, I shall hold no talk with them— for I cannot suppose that the Government will permit these Indians to settle all over the Floridas, as they are at present, but that it means to consolidate them at some one point, both their safety and the safety of the Georgia frontier and moreover the best policy requires it.

The state of Mrs. Jacksons health will compel me to travel her back to Tennessee & to her friends as early as possible; I shall accompany her to Nashville, where I will forward to Mr. Monroe my resignation to take effect at the meeting of Congress, but if necessary for the public interest will return here myself in November I shall leave here about the first of October next.

with the highest respect &
consideration.

V. Mo. Obt. Sevt.

(signed) Andrew Jackson
Governor of the Floridas
Det. &c.

The Honble
J. C. Calhoun
Secy. of War
Washington City

Pensacola, October 6th 1821

Sir,

Being about to leave this place for a short period to accompany my family some distance on their way home, and having left Col. G. Walton, Secty of West Florida, charged with the administration of the Government of West Florida and its dependencies during my absence. I have to request that you will furnish to his requisitions such detachments of Troops as he may deem necessary for carrying into effect the administration of the Government. I have left Col. Walton clothed with the Judicial, civil, and military powers, exercised by the Govr of West Florida under the Government of Spain at the date of the late Treaty; and in my absence you will please to view him in that capacity administering the Govt of W. Florida, and afford him all necessary aid as Commander of the Troops in this Department.

I am Sir, With great respect
yr. Mo. obt Servant
(signed) Andrew Jackson

Col. George M. Brooke
4th Regt U.S. Infy
Present.

Hermitage Novr 14th 1821

Dear Sir

Since closing mine of this days date I have had the pleasure to receive your favour of the 14th of September, Doct^r Bronaugh who will hand you mine of previous date of to day and also this as he goes by mail stage, cannot remain to permit me fully to answer your letter at present - I can only observe for the present that I am truly wearied of public life I want rest and my private concerns imperiously demand my attention - It is true my duties have been laborious and my situation exposed me to heavy expense which makes it more necessary that I should retire to resuscitate my declining fortune to enable it to support me in my declining years Doct^r Bronaugh carries to you my resignation which I hope you will accept at as an early a period as your convenience will admit - I have just received a letter from Col Walton of the 15th ulto which informs me all things progress in harmony in Pensacola since the Spanish officers have left there and that the citizens appear happy under the Government as organized -

I am happy that as far as you have considered the organization I have given the Government and its administration by me, you are satisfyed - this next to my approving conscience is most gratifying to me, in all my administration I had an eye to justice to all, and protection of the humble from the Tyrany and oppression of the powerfull and great and to secure every individual in the rights secure to them under the Treaty, had I have been aided in this by Judge Fromentin instead of opposed, Colo

Calava

Calava would not have had the hardihood and temerity to have dared to have taken the papers in his possession or refused to deliver them on my order and demand - I shall at an early day fully answer your letter - I have only time to add that Mrs Jackson experienced a severe illness in Pensacola from which she is recovered but not fully fully regained her [illegible], She unites with me in a tender of sincere regard to Mrs Monroe & yourself & family and believe me to be with great Respect

yr your Mo. Obt. Servt.

Signed Andrew Jackson

James Monroe
President of the United States &

In justice to Col. Geo Walton I must say that I have found him a pleasant Gentlemanly man, and with application will become a useful Officer

A. J.

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Nashville 14th Novr. 1821

Sir

Some time previous to my departure from Florida I had the pleasure to receive your letter of the 15th of June last in reply to my communication of the 26th of may meloseing me agreably to my request my accounts for Fuel and Quarters during my detention at Washington and which were suspended in the settlement of the accounts of Majr. Milo Mason Quarter Master as also other accounts for Quarters whilst on the Seminole Campaign, - a continual press of business & the absence of my Military papers prevented me from ~~attending~~ to this subject until my return here, on my departure for Montpelier last Spring my military papers were left at this place under a conviction that all my public accounts were fully closed

I have barely to remark as to the suspension of my accounts for Fuel and Quarters in Washington that they were made out on the representation of Majr. Milo Mason to me that such allowances had been usually made to Majr. Genl. Brown, and that whensoever I was within my Division as well at Washington as at New Orleans or elsewhere I was entitled to Quarters and Fuel, and I know of nor can I find any law or regulation in 1818 or 1819 to the Contrary. - I can readily conceive if I had have gone without the limits of my Division unordered that such a charge would have been inadmissable and your decision of course just, But it occurs to me that the Head Quarters of a Division or Department, appertains to the person of the Commandant thereof, and, that wherever he moves upon public duty within his division or department, he is to be considered at the Head Quarters of his Command. -

But I would ask under former regulations

(far as to the new I have not seen them, nor can they apply) was it not usual for Officers commanding a Division or Department to receive compensation for Quarters whilst on a tour of Inspection; if in this I am correct, and there is no public regulation making the City of Washington an exception I cannot see either the justice or propriety of the decision, But Sir, as this account was made out by the Quarter Master Maj. Mason in the City of Washington I did at that time believe that it was by the sanction of the Department of war; I was assured by Maj. Mason that it was just and usual, and accordingly I consented to it, believing it was justly my due; I am still of this opinion; but being determined never to receive a Cent from the Government, but what I am justly entitled to I return it with these remarks for your reconsideration, Maj. Mason has written to Doct. Bronaugh that on settling his accounts he was extremely anxious when the account was objected to, to have it charged, had this course been pursued (and I believe it is the usual method) I should have been responsible to Maj. Mason and my accounts have been closed with the Government.

My friend Doct. Bronaugh now goes to the City and he is authorised to settle and close all my public accounts, and he is charged with the final adjustment of this. If it is not true, as has been stated by Maj. Mason that such a charge is legal and has been paid to others I would not receive it; but if he was not mistaken in that assertion I shall certainly claim it_ As to the other account for Quarters for six months whilst on the Seminole campaign I have to observe, that is an error in the time charged for; I left home on the 22d of January 1818

and returned to Nashville on the 28th of June following

On refference to date, I find it was made out on the day of my departure for Washington, and the mistake must have arrisen in the confusion incident to such an occasion and was I am certain wholy inadvertanty, I had no recollection of such an account until the receipt of your first letter, I am informed however by my Staff, that it had been usual and the Quartermasters departments would furnish precedents, that when an Officer was in Quarters and ordered thence on distant Service, and not furnished with their necessary Marquees and Tents that it had been usual to allow him for Quarters

And indeed it is Said, precedents may be found where Officers Stationed at New Orleans with their families and ordered to Fort St Philips they have been allowed for Quarters in Orleans, if this be the fact I presume it has been the Ground upon which Majr Mason founded this charge — I was ordered on the Seminole Campaign without any time to prepare, I took the field with but one a Wagoners tent to cover myself & Staff seven in number, and thus performed the Campaign and thereby saved the Government at least double the amount of the charge for Quarters, and which must have been expended in transporting the Equipage to which I was entitled by law, But Sir if under similar circumstances similar allowances have not been made to other Officers, I ask it not — It will only be a lesson to those who like myself may hereafter watch over the interests of their Country from which they may have to demand their dues, without seeking to economise for the Government

Had I made requisition for a Marquee to which I was entitled and the usual tents for my Staff & Servants with the necessary transportation for them, I ask

Sir

Sir what would it not have Cost the Government Compared to this Charge for Quarters,

"Accoutred as I was", I knew I could operate with Success and Expedition, and I did not believe that a Charge for Quarters which includes an office for my public papers would have been Objected to by my Government, But this account (as well as all Others I have ever had in the Quarter or pay Masters Depts) was made out by the disburs=ing Officer, who was directed to include nothing but what was specially provided for by Law—

With these remarks it is returned for your further Consideration and it is hoped that nothing will occur to prevent a final adjustment of all my public accounts—

I am Sir very Respt^{ly}
your M^o Ob^t Servt
Signd Andrew Jackson

Peter Hagner Esq
3rd Auditor Try Dep^t

Nashville, Novr 22^d, 1821.

Sir,

I have the honour to enclose for your information a letter of the 29th of August last from Mr Penieres with his Memoir on the Floridas.

Being much pressed with business at this time, I have been compelled to refer Mr Peniere to the Secretary of East Florida (Mr Worthington) for the information he has desired. Mr Worthington has a copy of my talk with the Indians, and has been particularly instructed upon most of the points upon which Mr Penieres wishes to be informed. He will therefore be fully able to explain to him the course which I have thought ought to be pursued towards the Indians within the Floridas. A copy of this talk I also transmitted to you in my letter of Septr 20th last.

Mr Pénière has desired permission to present his accounts for settlement to the Secretary of East Florida. This I could not permit, inasmuch as I have forwarded my resignation as Governor, and to avoid any prolixity in the settlement of his accounts, I have advised him to transmit them forthwith to you. As I had given you my views as to the proper course to be pursued with the Indians, now in Florida, I have declined giving him any instructions on that subject, as I was awaiting your further instructions.

I am, Sir, with sincere respect and due regard,
Your most obt Servt
(signed) Andrew Jackson.

The Honble J. C. Calhoun,
Sec'y at War.

Nashville, Nov. 21st 1821.

Sir.

I have had the pleasure to receive your first and second memoir with their accompanying communications, and I regret I am not sufficiently at leisure to reply to them more at length. My present pressing engagements compel me to refer you to Mr Worthington, Secretary of East Florida, for the information you desire. I have forwarded to him my talk with the Indians, which he will exhibit to you, from which you will see more distinctly than I have now time to express to you, my views in relation to them.

Being about to resign my office of Governor, I regret it is not in my power to direct your accounts to be paid, as you desire, but I would advise you to transmit them forthwith to the Secretary of War, as the most certain means of providing against delay.

Your memoirs shall be transmitted to the Secretary of War, and a more definite understanding had with him as to the subjects upon which you evince so much solicitude.

I am, Sir, very respectfully,
Your most obt Servt
(signed) Andrew Jackson.

256 I. A. Pénières,

Agent of Indian Affairs.

P. S. A short time previous to my leaving Pensacola, I received enclosed a letter for you from the Treasury Department, which I sent to the Post-Office in that place, that you might find it when you arrived, as I had expected you would. _ A. J.

Nashville 6th December 1821

Sir,

I have received your letter of the 15th Novr., and am gratified to learn that the views I took the liberty to communicate to you, in regard to the Indians, have met your approbation.

In reference to the Point which I designated as most fit to concentrate the Florida Indians, I am happy also to have your concurrence, it is certainly the most eligible for that object of any within the Floridas. If the Government should determine on this arrangement, I would suggest the propriety of dividing the 4th Regiment of Infantry, and establishing one Battn at Tampa Bay to prevent all illicit intercourse with the Indians from the Islands.

I have the honor to be

very Respectfully yr Obt Servt

Signed, Andrew Jackson

The Honble. J. C. Calhoun

Secty of War

Nashville Decr 12th 1821

Sir,

I have the honor herewith to enclose you a letter just received from Col Eustis, reporting the condition of the Public Buildings at St Augustine and St Marks. Accompanying this letter are several requisitions on the Ordnance Depty. which

are also forwarded for your information.

I have also enclosed for your perusal a letter from Capt. Bell in reference to some heartburning which has unfortunately arisen between him and the civil authority at St Augustine, and requesting my assistance in procuring payment of his charge against the U S for services as Sec. of E. Florida, which charge is reasonable and just, and I have no doubt will be paid as soon as received by the Secy of State.

I have expressed to Capt. Bell my entire approbation of his conduct so far as I have been able to judge of it, and my belief that he cannot be injured by the malice of those civil officers who are displeased with his conduct as detailed in his letter.

I am Sir with great respect
Yr Mo obt servant
Signd, Andrew Jackson

The Honble
J. C. Calhoun
Secy of War

Nashville December 12th 1821

Sir,

I have the pleasure to acknowledge the receipt of your letter of Octr 9th last with its enclosures all of which have been transmitted to the Secy of War who will no doubt give an early attention to the state of the Public Buildings at St Augustine and St Marks —

I am Sir with great respect
Yr obt Servt
Signd, Andrew Jackson

Col. Abm. Eustis
4th Regt Arty

Nashville December 10th 1821

Sir,

I have the pleasure to acknowledge the the receipt of your letter of date Octr 8th last, and the accompanying account for extra pay whilst you were in the performance of the duties of Secy of East Florida with the powers of the former Gov thereof. I had heretofore brought to the view of the Secy of State your services and requested that a proper allowance should be made, compensating your service and meeting whatever expences may have been incurred in the discharge of those duties. In order however that this subject may not escape the attention of the Secy, I have transmitted your account to him, and requested that it may be allowed and paid, it being both reasonable and just.

The regret which I feel at the heart-burning which has arisen between you and the civil authority, does not lessen my approbation of your conduct in securing the Troops under your command in comfortable quarters and in using every means to free them from disease.

All the Public buildings of course belong to the U States, and next to the Acty Governor, who for the time being is entitled to occupy one of them, the Officers and Troops should have been quartered in those Public buildings — After this (if to be spared) a house belonging to the Public should have been appropriated as a Court House. But the Marshal is neither, nor was he even more entitled to a Public building than any other individual in the City. The corporation of the city ought to be indulged in a Public house

if to be spared from other public uses. In Pensacola I yielded the Govt House to the military, and quartered the soldiers in the Block houses. the Judiciary and Corporation rented a house for their Public purposes, and I rented a house for myself. I therefore see nothing in your conduct in this particular nor in any other, which I can condemn, nor do I believe that you can be injured by the persecution against you.

Yr conduct as far as I am enabled to judge Sir, has been perfectly satisfactory to me

I am Sir with great respect
Yr mo Obt Servant
(Sign) Andrew Jackson

P.S.

Lieut Donelson who is with me, tenders his grateful remembrance of your kindness and attention to him while at West Point.

Yr. — A. J

Capt John R Bell
4th Regt Arty

Nashville January 5th 1822

Sir,

Your letter of the 28th Octbr last reached Nashville on the 1st instant, but in consequence of my absence at Florence on some private business, did not reach me until this day. My ill state of health and the want of time prevent me from replying fully to it at this moment.

As to the resignation of Lieut Donelson I have only to remark, that I

have thought much upon this subject.
~~Could~~ I see that his services to his country could be useful at present, my advice to him would be, to remain in its service as long as that usefulness existed, even to his own injury: But until Congress does make the necessary appropriations to complete the Fortifications, the Engineer Corps must be measurably idle — his present age is favorable to acquire the knowledge of a profession and complete his military studies, by which he will be prepared for civil as well as military life, and in every way capable of rendering services to his country and to himself.

To the other subjects of your letter I will reply as soon as my health permits; I can barely now observe, that had the officers who were to have been degraded by the recommendation of the Board been placed in their proper grade at first, and subject to have been promoted by the election of Genl Atkinson, things both as to military feeling and propriety would have been different from what they are — The Register placed Col Butler at the head of a Regt, and also Col Towson whom Col B ranked in the line — the election of Genl Atkinson reduces Col Butler, and leaves Col Towson in command of a Regt. Now Sir, I know Col Towson from character to be a meritorious Officer — I know Col Butler personally, equally meritorious, and never could I possess the military feelings I do, and recommend military degrada-

-tion, or an overslaw in any shape — I have therefore advised Col Butler to resign and preserve thereby the harmony of the army, and its existence as far as this will do it — for believe me Sir, the reputation and character of our army is dear to me, and whatever prejudices either shall fill me with the deepest regret. To this tendency I fear the late regulations with regard to Brevet rank is working, and in as much as they are not in unison with that subordination which every good Officer loves, I fear that the complaints of our own Officers will give the _little Barkers_ in Congress an opportunity to strike another blow, and if it does, the usefulness and respectability of the Army is ~~lost~~ lessened, if not lost. Receive this timely hint in that friendship with which it is written, and cause this, said to be, Article smuggled by Genl Scott to serve himself, stricken out of the rules and regulations of the army —

I am Sir with great respect
yr. Mo. obt Servant
(signed), Andrew Jackson

The Honble J. C. Calhoun
Secy of War

Nashville January 5 1822

Sir,

I have the honor to enclose herewith a letter from Genl Wm McIntosh, and also one from Mr Richards Interpreter to the Seminole Indians residing within the Floridas, for your perusal and information — They both relate to the council which I delivered to the deputation of Indians at Pensacola (of which you are advised), and will serve to shew you the feelings of those Indians with regard to the course which I have recommended, and which I believe should be adopted towards them —

I am Sir with great respect
yr Mo Obt Servant
Signed, Andrew Jackson

The Honble J C Calhoun
Secy of War —

Nashville January 25th 1821

I certify, that, this day Genl Jackson made a representation to the War Department of the wanton and unprovoked attack made by Lieut Lear on the person of W. F. Hanrum, at Pensacola. and, that he also confidentially informed Mr Calhoun of Genl Jesup's friendship to Messrs Clay and Crawford, and enclosed him two extracts, one from each of two letters received from, Walton & Breckenridge of Pensacola, conveying this information to him (the General Jackson). The object of this letter was, to put Mr Calhoun on his guard against Jesup, as the friend of Crawford &c

. Andw J Donelson

11

Major Genl. Andrew Jackson

Department of State 140
Washington 12th March 1821.

Sir,

By direction of the President of the United States, I have the honor of transmitting to you three Commissions.

1. As commissioner to receive possession of the Provinces of East & West Florida, conformably to the Treaty between the United States and Spain, concluded on the 22nd Feby. 1819.

2. As Governor of the whole Territories of which possession is to be thus taken.

3. As Commissioner vested with special and extraordinary powers, conformably to the stipulations of the Treaty and to the act of Congress for carrying the same into execution; copies of both which are also among the enclosures with this letter.

Together with the Spanish ratification of the Treaty, there was transmitted to the Spanish Minister at this place a Royal Order, to the Captain General and Governor of the Island of Cuba, for delivering possession of the Provinces of East & West Florida, according to the stipulations of the 2nd article of the Treaty.

Colonel James G. Forbes has been appointed by the President Agent and Commissary to deliver this Royal Order to the Governor of Cuba, to concert and arrange with him the execution of it, and to receive any documents or archives which may be at the Havanna, and which are stipulated to be delivered by this Article. A copy of his instructions is herewith inclosed; by which you will perceive, that he is to deliver over to you all such documents or archives as he may receive at the Havanna. It is desirable that those relating to each of the two Provinces should be kept distinct from each other and that this Government should be informed generally of their character and quantity.

Col. Forbes is to take passage at New York, in the United States Sloop of War Hornet, Captain Read; and, on arriving at Pensacola, is to give you immediate notice, that you may repair thither to receive possession of that place. The Hornet is to remain there to escort the transports, in which the Spanish Officers & Troops, and their baggage, are to be conveyed to the Havanna. The Spanish Minister has expressed a strong wish, that no Troops of the United States may be introduced into Pensacola or St. Augustine, until after the evacuation by those of Spain. The object of this request being to avoid any possible unpleasant altercations between the Soldiers of the two Nations, the President thinks it reasonable to comply with it, unless you should be of opinion that it will be attended with inconvenience. In that event, he relies that you will take every measure of precaution which may be necessary to guard against any such collisions between the Soldiers; and he trusts with confidence that in every arrangement for the evacuation, the utmost delicacy will be observed to avoid every thing which might tend to wound the feelings of any of the Spanish Officers, Soldiers or subjects who are to remove.

It is the President's desire, that you should appoint General Gaines, or such other Officer as you may deem expedient, to receive possession of St. Augustine and that the same instructions should be applied to the execution of that service. The United States' Brig Enterprize or Schr. Porpoise, will be ordered to proceed to that place, to escort the transports which are to convey the Spanish Officers and Troops thence to Havanna. The care of providing the transports at both places is referred to you. The number of Troops at either place is not known, but supposed to amount to about 500 men at each. The stipulation is understood to include civil as well as military Officers, and provisions as well as passage. Instructions will be given by the Secy. of War to the Quarter Master

and Commissaries to furnish to your order provisions and Transports for the conveyance of the Spanish officers and Troops. It is expected they will be supplied at New Orleans and Mobile, for those to embark within the Gulph, and at Savannah and Charleston for those going from St. Augustine.

A copy and Translation of the Royal order to the Governor of Cuba, for delivering the possession of the Provinces, are among the enclosures herewith. you will observe, that it includes expressly the Islands appertinent to them. It will be proper that attention should be paid to taking possession of all these Islands; but it may not be necessary that a formal delivery of them in every case should be made.

On receiving from the Governors of West and of East Florida possession of those respective Provinces, it will be proper to exchange certificates of the time and mode of the transaction: orders for the delivery of any Military Posts within the Provinces will be expected, and they will be occupied by detachments of our Troops as you may deem expedient.

As soon as the possession shall be transferred, you will, in pursuance of your authority over the ceded territories, issue Proclamations announcing the fact. a form adopted from that which was issued on the first occupation of Louisiana, is herewith enclosed, to be modified as the circumstances in your opinion may require.

The powers, vested in you by the enclosed commissions, are also conformable to those which were entrusted to the Governor of Louisiana, under an act of Congress of similar import. The President is satisfied that they will be exercised by you with a due regard as well to the privileges and usages of the inhabitants under the Government to which they have been subject, as to the personal and social rights to which they will be entitled by the stipulations of the Treaty and as associates to the Union of these States. The money paid into the Spanish Treasury, before the delivery of possession, and whatever may be due thereto at that date, is to be considered as the property of Spain. Payments and debts subsequent to that date will belong of course to the United States.

The laws of the United States relating to the revenue and its collection, and those relating to the introduction of persons of color, being extended by the act of Congress, to the territory, the execution of them will be superintended by Officers to be appointed for the several collection Districts to be established by the President conformably to the law.

Your compensation as Governor will be at the rate of Five thousand Dollars a year. As Commissioner for receiving possession of the Provinces, such reasonable expenses as may be incurred will be allowed. Whenever your military command ceases, your salary as Governor will commence.

In the taking of possession of St. Augustine and East Florida similar proceedings to those relative to the occupation of West Florida will be proper. Both Provinces being placed under your direction, the Proclamation to be issued there will be in your name; and Genl. Gaines, or such other Officer as you may appoint, will be instructed to consider himself, for all the purposes of the Government subject to your orders.

At the ensuing session of Congress, it is to be presumed one of the earliest objects of attention to that body will be, to make further provision for the Government of these Territories. The President wishes you in the interval, to collect and communicate to this Department any information, relating to the Country and its inhabitants, which may be useful to the exercise of the legislative authority of the union concerning them.

For the expences incident to the services here with required, you will draw upon this Department. Strict economy is to be observed in incurring them: and I have urgently to request the transmission, as early as possible, of all the accounts resulting from them, with the vouchers necessary for their settlement at the Treasury.

(5)

I am with great respect, Sir, your very humble and obt. Servt.

(Signed) John Quincy Adams

P. S. The third commission being reserved by the President for consideration is not enclosed.

Papers enclosed.

2 commissions.

Copy of the Treaty

Do. Law for executing it (in a News-paper)

Do. Col: Forbes Instructions

Do. Royal order for delivery

Do. Do. (translation)

Form of Proclamations.

James Monroe, President of the United States of America

To all to whom these presents shall come, Greeting

Know Ye, That reposing special trust & confidence in the Patriotism and Abilities of Major General Andrew Jackson of Tennessee, I have appointed him Commissioner of the United States with full power and authority to him to take possession of and occupy the territories ceded by Spain to the United States, by the treaty concluded at Washington on the Twenty second day of February in the year one thousand Eight hundred and Nineteen, and for that purpose to repair to the said territories and there to execute & perform, all such acts and things touching the premises as may be necessary for fulfilling his appointment conformable to the said treaty and the laws of the United States: and I do moreover authorise the said Andrew Jackson to appoint any person or persons in his stead to receive possession of any part of the said ceded Territories, according to the stipulations of the said Treaty.

In Testimony whereof, I have caused these letters to be made patent, and the Seal of the United States to be hereunto affixed. Given under my hand at the City of Washington the tenth day of March A.D. 1821. and of the Independence of the United States of America, the Forty Fifth.

(Signd) James Monroe.

By the President

(Signd) John Quincy Adams
Secretary of State.

James Monroe, President of the United States of America

To all to whom these presents shall come Greeting.

Whereas, the Congress of the United States by an Act passed on the third day of the present month did provide that untill the end of the first session of the next Congress unless provision be sooner made for the temporary Government of the Territories of East & West Florida, ceded by Spain to the United States, by the treaty between the said parties, concluded at Washington on the Twenty second day of February, one thousand eight hundred & nineteen, all the military, civil & judicial powers exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining the inhabitants of said territories in the free enjoyment of their liberty, property & religion. Now Know ye, that reposing special trust and Confidence in the integrity, Patriotism and abilities of Major General Andrew Jackson, I do in virtue of the above recited Act appoint him to exercise within the said ceded Territories under such limitations as have been or may hereafter be prescribed to him by my instructions, and by law, all the powers and authorities heretofore exercised by the Governor and Captain General and Intendant of Cuba, and by the Governors of East and West Florida within the said provinces respectively; and do authorise and empower him the said Andrew Jackson, to execute & fulfil the duties of this present appointment according to law, and to Have and to Hold the same with all its powers & privileges untill the end of the next Session of Congress unless provision be sooner made for the temporary government of the said territories, so ceded by Spain to the United States, Provided however and it is the true intent and meaning of these presents that the said Andrew Jackson, or any person acting under him or in the said territories shall have no power or authority to lay or collect any new or additional Taxes or to grant or confirm to any person or persons whomsoever any title or claims to land within the same.

In Testimony whereof, I have caused these letters to be made patent and the seal of the United States to be hereunto affixed. Given under my hand at the City of Washington the tenth day of March A.D. 1821; and of the Independence of the United States of America, the Forty Fifth.

(Signd) James Monroe

By the President. (Signd) John Quincy Adams.

By the President of the United States.

A Proclamation

Whereas a Treaty of Amity, Settlement, and Limits, between the United States of America and his Catholic Majesty, was concluded & signed between their Plenipotentiaries, in this City, on the twenty second day of February in the year of our Lord one thousand Eight hundred & nineteen which treaty, word for word, is as follows:

Treaty.

Of Amity, Settlement, and Limits between the United States of America and His Catholic Majesty

The United States of America and his Catholic Majesty, desiring to consolidate on a permanent basis, the friendship & good correspondence which happily prevails between the two parties, have determined to settle & terminate all their differences & pretensions by a Treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the United States; and his Catholic Majesty has appointed the most excellent Lord Don Luis De Onis, Gonsales, Lopez, y Vara, Lord of the Town of Rayaces, perpetual Regidor of the Corporation of the City of Salamanca, Knight grand Cross of the Royal American order, of Isabella the Catholic, decorated with the Lys of La Vendee, Knight Pensioner of the Royal and distinguished Spanish order of Charles the Third, Member of the Supreme assembly of the said Royal Order, Of the Council of his Catholic Majesty – his Secretary, with Exercise of Decrees, and his Envoy Extraordinary and Minister Plenipotentiary near the United States of America.

And the said Plenipotentiaries, after having exchanged their Powers, have agreed upon & concluded the following Articles:

Article 1.

There, shall be a firm and inviolable peace and sincere friendship between the United States and their Citizens, and his Catholic Majesty, his successors and subjects, without exception of persons or places.

Article 2.

His Catholic Majesty cedes to the United States, in full property and Sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, Known by the name of

East & west Florida. The adjacent Islands dependent upon said provinces, all public lots and Squares, Vacant lands, public edifices, fortifications, barracks and other buildings, which are not private property, Archives & documents, which relate directly to the property and sovereignty of said provinces are included in this article. The said archives & documents shall be left in possession of the Commissaries or officers of the United States, duly authorised to receive them.—

Article 3.

The boundary line between the two countries, west of the Mississippi shall begin on the Gulph of Mexico, at the mouth of the Sabine River, in the sea, continuing North, along the western bank of that River, to the 32.° degree of latitude; thence, by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude 100 west from London, and 23 from ~~from~~ Washington; then, crossing the said River, and running thence, by a line due north, to the river Arkansas; thence following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the south sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st January 1818. But, if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence along the said parallel ~~to the~~ to the South sea: All the Islands in the Sabine, and the said Red & Arkansas Rivers, throughout the Course thus described, to belong to the United States; but the use of the waters and the Navigation of the Sabine to the Sea, and of the said Rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both Nations.—

The two high contracting parties agree to Cede and renounce all their rights, claims and pretensions to the territories described by the said line: that is to say "the United States hereby Cede to his Catholic Majesty, & renounce forever, all their rights, claims and pretensions to the territories lying west & south of the above described line; and, in like manner, his Catholic Majesty Cedes to the said United States, all his rights, Claims and pretensions, to any territories east and north of the said line, and for himself, his heirs and Successors, renounces all Claims to the said territories forever.—

Article 4th

To

To fix this line with more precision, and to place the land marks which shall designate exactly the limits of both Nations, each of the Contracting parties shall appoint a Commissioner and a Surveyor, who shall meet before the termination of one year, from the date of the ratification of this treaty, at Natchitoches, on the Red River and proceed to run and mark the said line from the mouth of the Sabine to the Red River, and from the Red River to the River Arkansas, and to ascertain the latitude of the source of the said River Arkansas in Conformity to what is above agreed upon and stipulated, and the line of latitude 42 deg. to the South Sea; they shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it was inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons and also as to their respective escorts, should such be deemed necessary.

Article 5.

The inhabitants of the ceded territories shall be secured in the free exercise of their religion without any restriction, and all those who may desire to remove to the Spanish dominions, shall be permitted to sell or export their effects at any time whatever without being subject, in either case, to duties.

Article 6.

The inhabitants of the territories which his Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the federal Constitution, and admitted to all the enjoyment of all the privileges, rights and immunities of the Citizens of the United States.

Article 7.

The officers and troops of his Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner, if possible, by the officers of his Catholic Majesty, to the Commissioners or officers of the United States, duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havanna.

Article 8.

All the grants of land made before the 24th of January 1818, by his Catholic Majesty, or

or by his lawfull authorities in the said territories, ceded by his Majesty to the United States, shall be ratified & confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid, if the territories had remained under the dominion of his Catholic Majesty. But the owners in possession of such lands who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which, the said grants shall be null & void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of his Catholic Majesty for the cession of Floridas, was made, are hereby declared and agreed to be, null and void.

Article 9.

The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and Subjects, may have suffered untill the time of signing this treaty.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and Condemned by French Consuls, within the territory & jurisdiction of Spain.

3. To all claims of indemnities on account of the Suspension of the right of deposit at New Orleans in 1802.

4. To all claims of Citizens of the United States upon the government of Spain arising from the unlawfull Seizures at Sea, and in the ports and territories of Spain, or the Spanish ~~territories~~ colonies.

5. To all claims of Citizens of the United States upon the Spanish government, Statements of which, soliciting the interposition of the government of the United States, have been Presented to the department of State, or to the Minister of the United States in Spain, since the date of the Convention of 1802, and untill the signature of this treaty.

The renunciation of his Catholic Majesty extends:

1. To all the injuries mentioned in the convention of the 11th of August 1802.

2. To the sums which his Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.—

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.—

4. To all claims of Spanish Subjects upon the government of the United States arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.—

Finally, to all the claims of Subjects of his Catholic Majesty upon the government of the United States, in which the interposition of his Catholic Majesty's government has been solicited before the date of this treaty and since the date of the Convention of 1802, or which may have been made to the department of foreign affairs of his Majesty, or to his minister in the United States,—

And the high Contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective Commanders and Officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida.

Article 10.

The Convention entered into between the two governments, on the 11th of August 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled

Article 11.

The United States, exonerating Spain from all demand in future, on account of the claims of their Citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a Commission, to consist of three Commissioners, Citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which Commission shall meet at the City of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of the claims included within the descriptions above mentioned. The said Commissioners shall take an oath

or

or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness or necessary absence of any such commissioner, his place may be supplied by the appointment as aforesaid, or by the President of the United States, during the recess of the Senate, of another Commissioner in his stead. — The said Commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified when demanded at the instance of the said Commissioners. —

The payment of such claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding five millions of dollars shall be made by the United States, either immediately at their treasury, or by the creation of stock bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law. —

The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish government, if required, at the demand of the Spanish minister in the United States. —

Article 12.

The treaty of limits and navigation, of 1795, remains confirmed in all, and each one of its articles, excepting the 2d. 3d. 4th. 21st. and the second clause of the 22d. article, which having been altered by this treaty, or having received their entire execution, are no longer valid. —

With respect to the 15th. article of the same treaty of friendship, limits and navigation of 1795, in which it is stipulated, that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognize this principle; but, if either of the two contracting parties shall be at war with a third party, and the

the other neutral, the flag of the neutral shall cover the property of enemies, whose government acknowledge this principle, and not of other. —

Article 13.

Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective Merchant vessels, have agreed, that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the Consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claim them, exhibiting the document that is customary in their nation; that is to say, the American Consul in a Spanish Port, shall exhibit the document known by the name of articles, and the Spanish Consul in American ports, the Role of the vessel; and if the name of the deserter or deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

Article 14.

The United States hereby certify that they have not received any compensation from France, for the injuries they suffered from her privateers, consuls, and tribunals, on the Coasts, and in the Ports of Spain, for the satisfaction of which provision is made by this treaty; And they will present an authentic statement of the Prizes made, and of their true value, that Spain may avail herself of the same, in such manner as she may deem just & proper.

Article 15.

The United States, to give to his Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two Nations, and to favour the Commerce of the subjects of his Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or Manufactures, directly from the ports of Spain, or of her Colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St Augustine, in the Floridas, without paying other or higher duties on their Cargoes, or of tonnage, than will be paid by the vessels of the United States — During the said term no other nation shall enjoy the same privileges within the ceded territory.

The twelve years shall commence three months after the exchange of the ratifications of this treaty.

Article 16.

The present treaty shall be ratified in due form, by the contracting parties and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we, the undersigned Plenipotentiaries of the United States of America, and of his Catholic Majesty, have signed, by virtue of our powers, the present treaty of Amity, Settlement and Limits, and have thereunto affixed our Seals, respectively.

Done at Washington this twenty second day of February, one thousand eight hundred and nineteen.

(Seal) John Quincy Adams
(Seal) Luis De Onis.

And whereas his said Catholic Majesty did, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said Treaty, which ratification is in the words and of the tenor following:

Ferdinand the seventh, by the grace of God, and by the constitution of the Spanish monarchy, king of the Spains.

Whereas, on the twenty-second day of Feby. of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the City of Washington, between Don Lewis de Onis my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences, and of limits between both Governments and their respective territories; which are of the following form and literal tenor:

(Here follows the above Treaty word for word)

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d. ar

3rd article, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them: and, in virtue of these presents, I approve & ratify them; promising, on the faith and word of a King, to execute and observe them, and cause them to be executed and observed entirely as if I myself had signed them: and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th Article may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th Article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest thro' them, can avail themselves of the said grants at any time, or in any manner: under which explicit declaration the said 8th Article is to be understood as ratified. In the faith of all which I have commanded to dispatch these presents. Signed by my hand, sealed with my

secret seal, and countersigned by the underwritten my Secretary of Despatch of State.

Given at Madrid the twenty-fourth of October, one thousand eight hundred and twenty.

(Signed) Fernando

(Countersigned)
Evaristo Perez de Castro

And whereas the Senate of the United States did on the nineteenth day of the present month, advise and consent to the ratification, on the part of these United States, of the said treaty, in the following words;

"In Senate of the United States,

"February 19th 1821.

"Resolved, Two-thirds of the Senators present concurring therein, That the Senate having examined the Treaty of Amity, Settlement and Limits, between the United States of America and his Catholic Majesty, made and concluded on the twenty-second of February, one thousand eight hundred and nineteen, and seen and considered the ratification thereof, made by his said Catholic Majesty, on the Twenty-fourth day of October, one thousand eight hundred and twenty, do consent to, and advise the President of the United States to ratify the same."

And whereas, in pursuance of the said advice and consent of the Senate of the United States, I have ratified and confirmed the said Treaty, in the following words, viz.

Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, together with the ratification of his Catholic Majesty thereof, do,

in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents, accept, ratify, and confirm the said treaty, and every clause and article thereof, as the same are herein before set forth.

In faith whereof, I have caused the seal of the United States of America to be hereto affixed.

Given under my hand, at the City of Washington, this twenty-second day of February, in the year of our Lord one thousand eight hundred and twenty-one, and of the Independence of the said States the forty-fifth

By the President James Monroe

John Quincy Adams, Secretary of State.

And whereas the said ratifications, on the part of the United States, and of his Catholic Majesty, have been this day duly exchanged, at Washington, by John Quincy Adams, Secretary of State of the United States, and by Genl. Don Francisco Dionisio Vives, Envoy Extraordinary and Minister Plenipotentiary of his Catholic Majesty: Now therefore, to the end that the said treaty may be observed and performed with good faith, on the part of the United States, I have caused the premises to be made public; and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

[L. S.] Done, at the City of Washington, the twenty-second day of February in the year of our Lord one thousand eight hundred and twenty-one, and of the Sovereignty and Independence of the United States the forty-fifth.

By the President: James Monroe

John Quincy Adams, Secretary of State.

An Act for carrying into execution the Treaty between the United States and Spain, concluded at Washington, on the twenty-second day of February, one thousand eight hundred and nineteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorised to take possession of, and occupy the territories of East and West Florida, and the appendages and appurtenances thereof; and to remove and transport the Officers and Soldiers of the King of Spain, being there, to the Havanna, agreeably to the stipulations of the Treaty between the United States and Spain, concluded at Washington on the twenty-second day of February, in the year one thousand eight hundred and nineteen, providing for the cession of said territories to the United States; and he may, for these purposes, and in order to maintain in said territories the authority of the United States, employ any part of the Army and Navy of the United States, and the militia of any State or territory, which he may deem necessary.

Sec. 2nd And be it further enacted, that until the end of the first session of the next Congress, unless provision for the temporary government of said territories be sooner made by Congress, all the military, civil and judicial powers exercised by the officers of the existing government of the same territories, shall be vested in such person and persons and, shall be exercised in such manner, as

the President of the United (States) shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, & religion; and the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the said Treaty, in favor of Spanish vessels and their cargoes, and the laws relating to the importation of persons of color; shall be extended to the said territories. And the President of the United States shall be, and he is hereby, authorized, within the term aforesaid, to establish such districts for the collection of the revenue, and during the recess of Congress, to appoint such officers, whose commissions shall expire at the end of the next session of Congress, to enforce the said laws, as to him shall seem expedient.

Sec. 3d And be it further enacted, That the President of the United States be, and he is hereby authorized to appoint, during the recess of the Senate, a Commissioner and Surveyor, whose commissions shall expire at the end of the next session of Congress, to meet the Commissioner and Surveyor, who may be appointed on the part of Spain, for the purposes stipulated in the ~~fourth~~ article of said Treaty: and that the President be, and he is hereby, further authorized to take all other measures which he shall judge proper, for carrying into effect the stipulations of the said fourth article.

Sec. 4th And be it further enacted, That a board of three commissioners shall be appointed, conformably to the stipulations of the eleventh article of the said Treaty; and the President of the United States is hereby authorized to take any measures which he may deem expedient, for organizing the said Board of Commissioners, and for this purpose, may appoint a Secretary, well versed in the French and Spanish languages, and a Clerk; which appointments

if made during the recess of the Senate, shall, at the next meeting of that body, be subject to nomination for their advice and consent.

Sec. 5th And be it further enacted, That the compensation of the respective officers, for whose appointment provision is made by this act shall not exceed the following sums:

The Commissioner to be appointed conformably to the fourth article at the rate, by the year, of three thousand dollars,

To the Surveyor two thousand dollars.

To each of the Commissioners to be appointed conformably to the eleventh article of the Treaty, three thousand dollars.—

To the Secretary of the board, two thousand dollars—

To one Clerk, one thousand five hundred dollars

Sec. 6th And be it further enacted, That for carrying this act into execution the sum of one hundred thousand dollars be, and hereby is, appropriated, to be taken from any monies in the Treasury not otherwise appropriated

John W. Taylor
Speaker of the House of Representatives
John Gaillard
President of the Senate pro tempore
Washington, March 3d 1821. Approved
James Monroe

A. Copy of the Secy. of States instructions to Col. James G. Forbes

Department of State
Washington 10, March 1821.

Sir

The president of the United States, having occasion to employ a person to take to the Spanish Governor General of the Island of Cuba, the order from his Government for the delivery of the Provinces of East & West Florida, to the Commissioners or officers, of the United States, duly appointed to receive them, has selected you as the agent for that purpose, and a certificate to that effect, from this department will be delivered to you, with this letter—

You will forthwith repair to New York and there take passage in the United Sloop of War Hornet, Captain Reid, who will be instructed to receive you, and to proceed as soon as possible to the Havanna – The order to the Governor General of Cuba together with a letter from the Spanish Minister General Vives, to him,

is committed to you; and you will deliver it to him in person upon your arrival — ~~you will deliver it to him in person upon your arrival~~ — you will urge the immediate execution of it and will offer to take charge yourself of the Governor General's order to the Governor of East Florida — Should he prefer to transmit this by an officer of his own appointment, Captain Reid will be authorised to give him a passage in the Ship with you to Pensacola. — You will also concert with him the means of transmitting the order for delivery of East Florida, to the Governor at St Augustine — It has been represented that the Archives and public documents, stipulated to be delivered up by the Treaty are at the Havanna, and if so, you will require that they should be delivered to you, and take them with you in the Ship to Pensacola, where you will keep them in safe custody untill the arrival of Major General Andw Jackson who is appointed Governor of the whole of the Territories ceded. And to whom you will deliver them over, or to his order taking a suitable receipt or receipts for them by duplicates one of which you will transmit to the Department. —

On arriving at Pensacola and communicating to the Governor the order from the Governor of Cuba, you will immediately give notice by express to General Jackson who will be at Montpelier in the vicinity of that place, that he may repair to it to receive possession; and you will then remain at Pensacola, giving information to this Department, through the nearest mail, believed to be at Blakely, of your proceedings; you will also communicate to this Department every information relating to the Country which it may be usefull for us to possess, and wait for such Instructions as may be transmitted to you till the accomplishment of the objects of your Mission — Your compensation will be at the rate of 8 dollars a day from the time of your departure from this place, till your arrival at Pensacola, all your expenses on the passage are to be at your own charge, and from the time of your arrival at Pensacola, the allowance will be six dollars a day till you receive notice that it is to cease — If you then conclude to return to New York, the allowance will be continued for a reasonable time to admit of your return.

The papers herewith furnished you are —

1. a certificate of your appointment.
2. a Commission Authorising you to demand and receive the archives
3. The order to the Governor & Captain General of Cuba, with a letter to him from the Spanish Minister here. —
4. Six Copies of the Treaty, with the Ratifications, to be used as you may find convenient. —

5th. A copy of the order to the governor of Cuba

6. A Copy of the act of Congress for carrying the treaty into Execution

It is proper to apprize you that if by any accident you should be prevented from executing the service herewith assigned you, Mr G. L. Thompson has a commission for performing it in your stead.

I am with much Respect Sir your
Very humble Obt Sert
Signed John Quincy Adams

(Copy)

(Translation of the Royal order of the King of Spain to the Captain General and Governor of the Island of Cuba and of the Floridas—

Ferdinand the Seventh by the grace of God and by the constitution of the the Spanish Monarchy, King of the Spains, To you the Captain General and Governor of the Island of Cuba and of the Floridas: Know you; that by a Treaty concluded in the city of Washington on the twenty second day of February of the last year, one thousand eight hundred and nineteen by Plenipotentiaries duly authorised, for the purpose of arranging the differences which have existed between the government of Spain and that of the United States of America, and the limits of their respective territories there was limited on the part of Spain the cession to the United States of all the country situated east of the Mississippi known by the name of East & West Florida; the adjacent islands dependent upon the two Floridas being comprehended in said cession, together with all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, with the archives and documents which relate directly to the property and sovereignty of said provinces; it being provided at the same time that the inhabitants of the territories so ceded shall be secured in the free exercise of their religion without any restriction; and that all those who may desire to remove to the Spanish Dominions shall be permitted to sell or export at any time whatever, in order that they may better effect their purpose, without being subject in either case to duties; and that those who prefer remaining in the Floridas shall be admitted as soon as possible to the enjoyment of all the rights of citizens of the United States; it being added by another article of the same treaty, that the Spanish officers and troops shall evacuate the said territories ceded to the United States six months after the exchange of the ratification of the same treaty, or sooner if possible and shall give possession of them to the officers

or Commissaries of the United States duly authorised to receive them; and that the the United States shall provide the transports necessary to convey the Spanish offices and troops and their baggage to Havanna. And I having considered and examined the tenor of the articles of the treaty, after having obtained the consent & authority of the general Cortez of the Nation with respect to the said Cession, have thought proper to approve and ratify the treaty referred to, the ratification of which must be exchanged at Washington with that which was formed by the President of the United States with the advice and consent of the senate of the same; after which exchange the said Treaty will begin to be obligatory on both governments and their respective citizens; therefore I command you and ordain that, after the information, which shall be seasonably given you by (Minister Plenipotentiary and envoy Extraordinary at Washington, of the ratifications having been exchanged, you proceed on your part to make the proper dispositions in order that, at the end of six months, counting from the date of the exchange of the ratifications, or sooner if possible, the Spanish Officers and troops may evacuate the territories of both the Floridas and that possession of them be given to the officers or Commissaries of the United States duly authorised to receive them; in the understanding that the United States shall provide the Transports and escort necessary to convey the Spanish Officers & Troops and their baggage to the Havanna. You shall arrange in proper time the delivery of the Islands adjacent to and dependant upon the two Floridas and the public lots and Squares, vacant lands, Public edifices, Fortifications, barracks, and other buildings which are not private property; as also the Archives and documents which relate directly to the property and sovereignty of the said two Provinces, by placing them at the disposal of the Commissaries or officers of the United States duly authorised to receive them; and all the other papers and the effects which belong to the nation and which have not been Compre-hended and mentioned in the expressed Clauses of the Cession, you shall have conveyed and transported to another part of the Spanish possessions, which may be most convenient for the public service. as also you shall take care that previous to the delivery it may be made known by edicts to all the present inhabitants of the Floridas that they have power to remove to the Spanish dominions, the sale or exportation of their effects being permitted to them by the United States at any time whatever without being subject to duties; and also the advantages

stipulated in favour of those who shall prefer to remain in the Floridas; to whom I have wished to give this last proof of the protection which they have always experienced under the Spanish government. Of the delivery which you may make, or may be made by your delegation, in the form which has been expressed, you shall make or cause to be made a corresponding receipt duly authenticated for your discharge; and in order that you may proceed with entire knowledge in the execution of this commission, there shall be likewise sent to you by my Minister Plenipotentiary at Washington an authentic copy of the treaty referred to of the twenty second of February one thousand eight hundred and nineteen with the insertion of the ratifications of both parties and of the certificate relative to the exchange of the same: of which documents and of this my Royal order you shall send a copy in authentic form to the Governors of both the Floridas, and to the person or persons who may have, in your name, the accomplishing of the delivery, if it have not been made by yourself—

All which you shall well and completely execute in the form which I have prescribed to you, agreeably to the public service: advising me of your having executed it through my underwritten Secretary of Despatch of State

Given at Madrid the twenty fourth of October one thousand eight hundred and twenty—

A true Copy—

(A Form of) Proclamation

By Major Genl. Andrew Jackson, Governor of the Provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the Island of Cuba over the said Provinces, and of the Governors of said Provinces respectively.

Whereas, by the Treaty concluded between the United States and Spain on the 22nd day of Feby. 1819, and duly ratified, the Provinces of the Floridas were ceded by Spain to the United States and the Possession of the said Provinces is now in the United States.

And whereas, the Congress of the United on the 3rd day of March, in the present year, did enact, that, until the end of the first Session of the

of the Seventeenth Congress, unless provision for the temporary Government of said Provinces be sooner made by Congress, all the military, civil and judicial powers, exercised by the Officers of the existing Government of the said Provinces, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States, shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property and religion; and the President of the United States, has, by his Commission bearing date day of said March, invested me with all the powers, and charged me with the several duties heretofore held and exercised by the Captain General Intendant & Governors aforesaid.

I have therefore thought fit to issue this my Proclamation, making known the premises, and to declare, that the Government heretofore exercised over the said Provinces, under the authority of Spain, has ceased and that that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the Citizens of the United States; that in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the religion they profess; that all laws and municipal regulations which were in existence at the cessation of the late Government, remain in full force, and all civil officers, charged with their execution, except those whose powers have been specially vested in me, and except also such Officers as have been entrusted with the collection of the revenue, are continued in their functions, during the pleasure of the Governor for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants and other persons within the said Provinces, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the Guardianship of the United States and will be maintained from all force & violence from without or within.

In testimony whereof I have hereunto set my hand.
Given &c. &c.

Department of State
Washington March 20th 1821.

General Andrew Jackson—Nashville.

Sir.

I have the Honour to transmit the third Commission, referred to in the instructions of this office, to you of the 12th Instant: and to be, with respect your Obt &
Hum. Servant.
(signed.) John Quincy Adams.

James Monroe, President of the United States of America.
To Andrew Jackson, Greeting:

Whereas by An Act of Congress passed on the third day of the present Month entitled "An Act for carrying into execution the Treaty between the United States and Spain, concluded at Washington, on the twenty second day of February, one thousand eight hundred and nineteen," it is provided that until the end of the first session of the next Congress, unless provision be sooner made for the temporary Government of the Territories ceded by Spain to the United States by the Treaty concluded at Washington on the twenty second day of February, one thousand eight hundred and nineteen between the two Nations, all the Military Civil and Judicial powers exercised by the Officers of the existing Government of the same, shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for maintaining the Inhabitants of said Territories in the free enjoyment of their liberty, property, and religion: And Whereas on the tenth day of the present month, I did by letters patent under the seal of the United States in pursuance of the ~~provisions of the~~ powers vested in me as aforesaid, appoint you the said Andrew Jackson to exercise under certain limitations within the said ceded Territories all the powers and authorities heretofore

exercised by the Governor and Captain General and by the Intendant of Cuba and by the Governors of East and West Florida within the said provinces respectively, with the clauses and conditions in the said letters patent expressed: And whereas it appears to me expedient that you should be vested with the other powers hereafter specified: Therefore be it known that in virtue of the above recited act of Congress I do by these presents appoint and authorize you the said Andrew Jackson to administer the Government with the existing authorities in the best manner in your power, for the present, and to report without delay, the actual state, with such alterations as you may think advisable, that further instructions may be given respecting the same: And I do moreover authorize you to suspend any officer or officers in the said Territories which the public good may seem to you to require, with the exception allways of such as are or may be appointed by the President of the United States, making a report to this Government of your proceedings therein:—

These letters patent are to continue in force, until the end of the first Session of the next Congress, unless provision be sooner made for the temporary Government of the said Territories, so as aforesaid ceded by Spain to the United States, and unless it should sooner revoked by the President of the United States—

In Testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed. Given under my hand at the City of Washington the twentieth day of March A. D. 1821. and of the Independence of the United States of America, the Forty Fifth—

(Signed.) James Monroe.

By the President—

John Quincy Adams.
Secretary of State.

Copy of a Letter from Major Genl. Andrew Jackson to Brevt. Major Genl. E. P. Gaines.

Head Quarters
Nashville 2nd April 1821.

General,

I enclose you herewith sundry Documents relative to the possession and occupation of Florida, among which you will find a commission authorising you to take possession of St. Augustine and the adjacent Islands, the time of taking possession will depend on the arrangements which will be made between Col: Forbes (United States agent) and the Governor of Cuba, of which you shall receive the earliest information, and that every thing may be prepared to take possession as early as possible, you will proceed to Amelia Island with such part of the disposable force of your command as you may deem necessary to occupy the different Posts at St. Augustine, and hold them in readiness to move to that place. It will be necessary to garrison St. Marks with two companies of the 7 Regt. of Infy. under the command of a confidential Officer, and a detachment of the same Regt. will be ordered to relieve Majr. Fanning's command at Fort Gadsden, which, when relieved will be ordered to Pensacola, and with the 4th Regt. of Infy. will constitute the Garrison of that place.

It is possible that orders for the delivery of St. Augustine may be transmitted to the Governor of that place direct from Cuba, in order to ascertain which, you will on your arrival at Amelia Island open a correspondence with the Governor, and likewise, as the United States are bound by the stipulations of the Treaty to provide the necessary transports to convey to the Havana the Spanish officers (civil as well as military) and troops, with their baggage and to furnish provision while on their voyage; you will ascertain their number, and give the necessary orders both to the subsistence & Qr. Mrs. Department that you may be prepared to take possession, the instant that the Spanish authority may think proper to surrender it.

You will please acknowledge the receipt of this, and direct to Montpelier, for which place, I set out in a few weeks.

(Signed) Andrew Jackson.

Brvt. Major Genl. E. P. Gaines }

Andrew Jackson Governor of Florida.

To all whom these presents may come Greeting:

Know Ye, that having been commissioned by the President of the United States to take possession of, and occupy the territories ceded by Spain to the United States, by the Treaty concluded at Washington on the twenty-second day of February, one thousand eight hundred and nineteen; and having been further authorised to appoint such person or persons, as I may deem proper, to receive possession of any part of the ceded territory aforesaid; I do hereby appoint Major General E. P. Gaines, of the Army, of the United States, a Commissioner to receive and occupy St. Augustine and the adjacent Islands, and for that purpose to repair to the said Territory, and there to execute and perform all such acts and things touching these premises as may be necessary for fulfilling his appointment conformably to the said Treaty, and the orders which may be given him

Given at Nashville this Second day of April One Thousand Eight Hundred & Twenty-one.

(signed). Andrew Jackson

There were enclosed, with this commission, to Genl. Gaines
a copy of the Secy. of States letter to Genl. Jackson, dated "Department of State, Washington, 12th. March 1821."
a Copy of Col: Forbes Instructions.
Do. Royal order for delivery –.

Nashville
Sir 2nd April 1821.

I have the honor to acknowledge the receipt of your letter of the 12th ult: together with its enclosures viz.

2 Commissions.

Copy of the Treaty.

Do Law for executing it – (in a Newspaper)

Do Col: Forbes Instructions.

Do Royal order for delivery.

Do Do (Translation)

Form of Proclamation.

In pursuance of the instructions of the President as communicated through you, I shall proceed as soon as practicable to Montpelier (via) New Orleans, there to await the necessary information from Col: Forbes and shall immediately upon receiving it, take possession of Pensacola and proceed to organize the Government agreeably to the instructions – I hope to be able to leave this by the 15th Inst: and to arrive at Montpelier by the first of May.

I have agreeably to instructions appointed Brevet Major Genl. Gaines to receive Fort St. Augustine and by the Southern Mail have forwarded him the necessary instructions for that purpose.

There is one subject, which at this early period, I wish through you to call the attention of the President to, and receive his instructions thereon. It is the situation of that part of the Creek Indians who in the late war abandoned their own country and fled to the Floridas, and continued hostilities against the United States until conquered in 1818 – During that campaign I ordered the conquered Indians above the Florida line, and directed them to settle down within their limits (the Creek nation) I have lately however understood that McQueen and his adherents have made a settlement at Mickasuckey and also on the Sewaney river – Are these Indians to be ordered up to the Creek country? – there to settle themselves, or are they to be protected in their new settlements. It may be necessary to remark that the country set apart for the Creek nation is sufficient for the support of all, and that by removing those within Florida, greater security will be given to our

frontier, and the Government would more certainly be enabled to prevent smuggling, which no doubt will be attempted to a considerable extent thro' the various inlets in the Country now inhabited by those Indians - There are likewise a number of Negroes inhabiting that country who have runaway from the States and are protected by the Indians - Whatever may be the President instructions on this subject shall be strictly complyed with.

With sentiments of esteem & regard
I have the honor to be Sir
Your Mo Ob: Servt
(signed) Andrew Jackson

The Hon. ble
John Quincy Adams
Secy. of State

Major General Andrew Jackson
Nashville

Department of State
Washington 23rd March 1821

Sir;

By the second article of the Florida Treaty it is stipulated that with the Territories of East and West Florida, the fortifications with the same are ceded and to be delivered to the United States but no express mention is made of the Cannon belonging to them

By the seventh Article of the same Treaty it is provided that the United States shall furnish the transports and escorts necessary to convey the Spanish Officers and Troops, and their baggage to the Havanna but no mention is made of the transportation of Cannons, nor is there any express engagement one the part of the United States to furnish provisions to the Spanish Officers and Troops on the passage.

It is the opinion of the President that by a fair and just construction of the Treaty, the cannon belonging to the fortifications are to be considered as appendages to them included in the cession and are therefore to be left with them.

On the same principle he is of opinion, that with the transports and escorts to convey the Spanish Officers and troops and their baggage the provisions necessary for the passage

are also to be furnished at the expence of the United States, although not specially mentioned in the Treaty; and orders have accordingly been given for the supply of provisions.

It is however possible that the Spanish Governors of East and West Florida, may upon a different construction of the Treaty claim to carry away the Cannon from the fortifications because they are not expressly named in the article.

You will in that case claim that they should be left with the fortifications, and insist that upon the principle of the other constructions the United States are not bound to furnish provisions for the passage of the Officers and troops. You will state that the supply has been ordered in the confidence that the benefit of the same liberal construction of the Treaty will operate in favour of the United States and that if it be not extended to them, they will have a just claim to be reimbursed for the expence of supplying the provisions.

You will add that as there is no engagement on their part express or implied, to furnish the means of transporting the Cannon, they have made and can make no provision for that purpose.

Should the Spanish Governors alledge that their orders are express for having the Cannon carried away, you will leave it to them to make provision for their transportation, and report forthwith the facts to this Department.

I am, with great respect, Sir, your very humble
and Obed.t Serv.t
(Signed) John Quincy Adams

Department of War
22.nd March 1821.

Sir

To execute the instructions, which you have received through the Department of State to take possession of East and West Florida, you will proceed with as little delay as practicable to the Cantonment of Montpelier where as has been communicated to you in your instructions, you will receive notice of the arrival of Col: Forbes at Pensacola.

The Deputy Quarter Master Major Stanton has been ordered to the same place, who will receive and execute your commands, as connected with the Quarter Masters Department; and the enclosed copies of Orders

from that, and the commissary Department will inform you of the arrangement which has been made as to transports and provisions. Major Cross will be ordered to Amelia Island, to superintend the arrangements in that Quarter, and I trust that on your arrival at the Cantonment, you will find those arrangements so far matured, that you will be ready to take possession in a very short period should the Spanish authorities be prepared to give it. It was deemed advisable to open the orders here to avoid any possible delay.

Genl. Gaines has been ordered to this place, where he will be by the 10th of next month, to aid with his advice and information in the reduction of the army; and it is doubtful whether he will return to his Head Quarters in time to take possession of St. Augustine should you, in the exercise of your powers select him for that purpose; and I would therefore suggest, in that event, that you should at the same time give provisional power to some other officer to act in his place, should he be absent.

The 4th Regt. of Infy. and the company of Artillery at Mobile will occupy Pensacola and the Barrancas; the Garrison of Fort Gadsden, which will be evacuated, will occupy St. Marks, and the two companies of artillery sent from Boston to Amelia Island St. Augustine. They will be governed in their movements for that purpose by your orders. The companies ordered to Amelia Island and the provisions which has been ordered by the Commissary General to that place, for the transportation of the Spanish Garrison at St. Augustine to the Havanna, will go in the transports to St. Augustine.

Your command as Major General will not, under the act of Congress of the 2nd Inst: reducing the army terminate, till the 1st of June next, to which period your pay in that capacity will continue.

I have the honor to be &c.

(Signed) J. C. Calhoun

Major Genl.
Andrew Jackson

Quarter M Genl Office
March 21st 1821

Sir,

The treaty lately concluded with Spain provides that the United States shall transport the Spanish Garrisons in Florida, with their baggage to the Havanna and shall provide them with provisions for the voyage.

The Subsistance Store Keeper at New-Orleans J Rogers Esqr has been ordered to furnish provisions for the Garrisons of Pensacola and St Marks — you will inform him of the quantity which may be required, and will direct the Q Master at New Orleans to forward them either direct to Pensacola, or to such other post as Genl Jackson, or, in his absence yourself, may designate. You will provide transportation for those Garrisons, & should the vessels for that purpose be employed at New-Orleans, the provisions may be forwarded by them.

The Company of Artillery at Mobile, & the fourth Regt of Infty at Montpelier, will occupy Pensacola & Barancas — the Troops at Fort Gadsden, St Marks. — You will provide for their Transportation & Supply; and will adopt such measures as you may think best to secure the publick property at the posts which shall be evacuated. —

You will consult Genl Jackson in relation to every arrangment connected with the movement, either of the American or the Spanish Troops, and will be governed by his instructions

I am Sir, respectfully
your Obt Servt
(Signed) Thos S. Jesup
Q. M. G.

Major H. Stanton
New Orleans

Qr. Master Genl. Office
March 21st. 1821.

Sir

You will provide transportation for three companies to be embarked at Boston - One of which will be left at Charleston S. Ca. and the other taken to Fernandina Amelia Island, there to await the orders of Genl. Jackson.

It is desirable that the transports employed, be continued in service, until the Spanish Troops be removed to the Havanna the demurrage at Fernandina should not be too great.

You will report to me immediately the rate at which transports may be thus employed - Specifying the freight from Boston to Charleston and to Fernandina - the Demurrage at the latter place and the freight thence to Havanna.

To invite competition, it is proper that public notice should be given - and for your own security, as well as that of the Department, you should require that all proposals be in writing - No vessell to be received, that shall not be approved by the commanding Officer & the Surgeon.

I am Sir
your obt. Servt.
signed Th. S. Jesup
Q. M. G.

Captain George Bender
A. D. Qr. Mr. Genl.

Office of the Comy. Genl. of Subst.
Washington 21st. March 1821.

Sir,

You will be prepared to ship for Pensacola a supply of provisions sufficient to subsist the Spanish Garrison from that to Havanna.

In doing this you will be governed by the instructions of Maj. Genl. Jackson or Major Stanton of the Quarter Masters Department.

As the army is to be reduced this small supply can be taken from the march delivery if it has not already been distributed to Posts.

I am Sir
Y. Mo. Obt. Servt.
(Signed) George Gibson
C. Genl. of Subsistence

Capt. John Rogers
Mil: Store-keeper
New Orleans

Sir, Nashville 10th April 1821.

I have the honor to acknowledge the receipt of your communication of the 23rd ult. and have perused with attention the instructions contained therein.

The second article of the Treaty in which it is stipulated that the Territories of East and West Florida and the Fortifications within the same are ceded and are to be delivered to the United States, is so clear and explicit, that it had never occurred to my mind, that any attempt would be made by the Spanish authorities to strip the Fortifications of their means of defence — Cannon is an indispensable appendage of a Fortification; and the term Fortification is always understood to include every thing appertaining to a work constructed for defence — indeed such was my view of that article of the Treaty, that I should have considered the Spanish Government, bound by that article, to have passed over to the United States with the Fortifications, all the ordnance & munitions of war contained within them.

If on my arrival at Pensacola any difficulty should arise on this subject, I will avail myself of your very just suggestions, and will endeavor as forcibly as I can, to impress the Governor with a sense of the liberal construction which the United States are disposed to give to the Treaty.

In any event you may rest assured that your instructions shall be most strictly attended to.

I have the honor to be &c.

(Signed) Andrew Jackson

The Honble
John Quincy Adams
Secy. of State

Sir Nashville 10th April 1821.

Your letter of the 22nd ult. with its enclosures has just reached me — upon receipt of the instructions to take possession of Florida, I appointed Genl. Gaines to receive St. Augustine and its dependencies, and ordered him to proceed forthwith to perform that duty, agreeably to the instructions which were forwarded to him — But having been informed by your letter that the Genl. has been ordered to the City of Washington to assist in the Reduction of the Army and that you apprehend he will not return to his Head Quarters in time to proceed on the duties which I had assigned him, I have de-

=mated Col: Robert Butler to repair thither and carry into effect the powers and instructions confided to Genl. Gaines - The Col: will leave this by the 18th. Inst: and will reach Amelia Island with as little delay as possible. The detention of Genl. Gaines therefore at the City will not procrastinate the time of our taking possession of the Floridas, and I have the fullest confidence that this duty will be performed by Col: Butler, with judgement and prudence.

Should Col: Butler be appointed to the command of a Regiment of Artillery I should be happy if he could be stationed at Pensacola.

I have this day advised Genl. Gaines at the City of Washington of the appointment of Col: Butler to supercede him in the duty which had been assigned him, at St. Augustine

I am Sir &c. &c.
(Signed) Andrew Jackson
Major Genl. Comd.
D. of the South

The Honble.
J. C. Calhoun
Secy. of War

Nashville 10th. April 1821.

Sir

By this days Mail I recd. a communication from the Secy. of War dated the 22nd March advising me that you had been or=dered to the City of Washington to assist in the reduction of the army and he expresses a doubt of your being able to return to your Head Quarters, in time to repair to St. Augustine in pursuance of the instructions which I had the honor a few days since of transmitting to you - I have therefore by the advice of the Secy. of War thought proper to make another arrangement, and have accordingly ordered Col: Robert Butler to proceed forthwith to Amelia Island & thence to St. Augustine to execute the duty of taking possession of that place & its dependencies.

In the arrangement of the Officers, for the reduced army esta=blishment, it would afford me great pleasure if Col: Butler could be re=tained to command a Regt. of artillery and be favored with the Pensacola station

I am Dr Genl very sincerely
Yr &c & obt Servt
Andrew Jackson
Maj: Genl Comd
D. of the South

Major Genl E. P. Gaines
City of Washington } (Signed)

Head Quarters
Nashville 12th April 1821.

Sir,

Inclosed you will receive a provisional commission to receive possession of St. Augustine and its dependencies, in the absence of Bret: Major Genl E. P. Gaines, who I had on the 2nd Inst: commissioned for that purpose; but a letter from the Secy. of War of the 22nd ult. advises, that he has been ordered to the City of Washington, to aid in the organization of the Army agreeably to the act of Congress for its reduction.

You will therefore proceed forthwith to Amelia Island, and there make the necessary arrangements, for receiving and occupying that part of the country ceded to us from Spain, towit, St. Augustine and its dependencies, attending to the instructions herewith enclosed, viz. from the Secy. of State No. 1. Copy of the royal order for the delivery of the Floridas No. 2. Copy of a letter from the Secy. of State to Col: Forbes No. 3. Copy of a communication from the Secy. of War with accompanying Documents No. 4 – You will find from the instructions that I am authorized to draw upon the Department of State for all necessary expences that may accrue in receiving possession and organizing the Government of the Floridas – you will therefore furnish me with the accounts as early as possible that they may be forwarded to that Department for settlement.

You are authorized to draw upon me for the necessary funds for the above purpose.

You will perceive from the letter of the 22nd ult: inclosed from the Secy. of War that the Garrison of Fort Gadsden is to occupy St. Marks – I had ordered Genl Gaines some time since, to have this Garrison relieved, whether he has done so, or not, I am not advised – Major Fanning has remonstrated

often, on the hardship of being continued there; this I have made known to the Department, but as the Secy. requires the Garrison of Fort Gadsden to occupy that Fortress, you will countermand any order which may have been given by Genl. Gaines for its being relieved, and notify me of the circumstances which you may become possessed of in relation to this business.

You will receive herewith Three Hundred and fifty Dollars to enable you to reach your point of destination — and from Montpelier, when I forward you the necessary Proclamation to be promulgated on receiving possession of the Country I will furnish you such additional sum, as I may deem necessary — in the mean time should necessity require, you can draw upon me as before instructed.

I have full confidence that in performing this duty you will act with your usual prudence, conforming strictly to your instructions, and should the Spanish authority claim the right of taking the Ordnance, you will remonstrate, as being inconsistent with that liberal construction which the United States are disposed to give to the Treaty but if persisted in, you will comply with the Secy. of States instructions No. 1. (both letters of the Secy. of State containing instructions &c. enclosed)

On your arrival at Amelia Island you will address a communication to the Governor of St. Augustine, and forward it to him by a confidential Officer, in which you will inform him of your arrival & commission &c. &c. requesting him to inform you if he has recd. instructions to deliver over to the United States the country & Fortifications ceded. It is probable that from the instructions to Col. Forbes, the Governor & Captain Genl. of Cuba has forwarded the order for delivery, direct to St. Augustine, if so, you will be in possession of that part of Florida, as soon as I shall receive Pensacola. It is important that we should have possession of the Country as early as possible to prevent smuggling and the introduction of Africans — to prevent which, you will be vigilant and receive possession as soon as practicable. I am Sir very respectfully

Y. Mo. Ob. St.

(Signed) Andrew Jackson

Col. Robert Butler
Adj. Genl. S. D. U. S. Army

Andrew Jackson Governor of Florida.

"To all whom these presents shall come greeting."

Know Ye, that having been commissioned by the President of the United States to take possession of and occupy the Territories of East and West Florida ceded by Spain to the United States by the Treaty concluded at Washington on the twenty second day of February one thousand Eight hundred and nineteen, and having been further authorised to appoint such person or persons as I may deem proper to take possession of any part of the ceded Territories aforesaid, and whereas on the second day of April one thousand Eight Hundred and Twenty one, I did commission Major Genl. E. P. Gaines to take possession of St. Augustine and its dependencies, and having been informed that the official duties assigned him, will prevent his execution of the said commission; I do hereby Provisionally appoint Colonel Robert Butler Adjutant General of the Southern Division of the Army a Commissioner to receive and occupy St. Augustine with its dependencies, and all that part of the ceded Territory including the adjacent Islands situated to the East of Cape Florida, and for this purpose to proceed to the Territory aforesaid and there to execute and perform all such acts and things touching these premises as may be necessary to fulfil his appointment conformably to the said Treaty and the instructions he may receive

Given at Nashville this twelfth day of April One Thousand Eight Hundred & Twenty-one

(signed) Andrew Jackson

Head Quarters

Nashville 13th. April 1821.

Sir

In looking over the letter addressed to you on the 10th. Inst: I discover that there was an omission in not stating that Col: Butler was only provisionally appointed a Commissioner to receive possession of Fort St. Augustine and its dependencies, with authority to act in the event of your not being able to attend to that duty.

Col: Butler will proceed there immediately and in the event of your absence will perform the duty.

I have the honor to be &c.

Major Genl. E. P. Gaines } (signed) Andrew Jackson

(42)

Head Quarter D. of the South
Sir Nashville 12th April 1821.

You will proceed with as much dispatch as possible to Montpelier Alabama and there await my arrival.

Should Col: Forbes have arrived at Pensacola with dispatches for me, you will receive them; and should they indicate the readiness of the Governor of Pensacola to deliver possession of the country, you will immediately communicate the same to me by express by water, to New Orleans, and make the necessary preparations for the removal of the 4th Regt. of Infy. at Montpelier and the company of Artillery at Mobile point, to Pensacola

Should you find it necessary to communicate with me by express, you will charge him to keep a strict look out on his way to New Orleans for me, as I shall not detain more than four days in that City. But if you receive Dispatches and the time pointed out for the delivery of the country, should not require my immediate presence, you will not forward an Express, but proceed nevertheless to prepare the Troops for a prompt movement.

respectfully
Yr. Mo. Obt. Sr.

Capt. R. K. Call }

(Signed) Andrew Jackson

Nashville 14 April 1821.

Sir

I have the honor to inform you that I sail from this place this day at one OClock P. M.

I have dispatched my Aid-de-Camp Capt. Call to Montpelier with instructions to receive the communications from Col: Forbes in the event of his arrival before I reach that place — and to place the Troops destined to occupy Pensacola in a state of readiness to march at a moments warning.

I hope to reach Montpelier by the first of next month should I not be detained at New Orleans for a vessel to transport me.

I am Sir with gt. respect &c

The Hon. Mr. J. Q. Adams } (Signed) Andrew Jackson
+

(43)

Copy of a letter from General Jackson to the Secretary of State, dated New Orleans, April 24th 1821 —

Sir, On the evening of the 22nd instant, I reached this city on my way to Montpelier, and will, if I can procure a transport, proceed on my journey on the 26th instant.

I immediately on my arrival Mr Fromentin waited upon me, and produced a commission dated in the year 1819, authorising him to receive the Floridas, together with the archives at Pensacola and St Augustine. He appears to be impressed with a belief, that although, that part of his commission to receive the Floridas was superseded, yet as the executive had been silent on the subject of the archives to be received at Pensacola &c, that he with my approval was entitled to the safe keeping of them. From the tenor of my instructions I do not conceive, that I can create any office in the Floridas that does not exist there at present, and that clerks of any kind except those that are contemplated under my instructions to translate and transcribe the archives for the information of the President, cannot be necessary until the next meeting of Congress. However should the President be of opinion that a safe keeper of the archives should be necessary, and that Mr Fromentin should be appointed to that trust, and express the same to me with the salary to be annexed; I will immediately notify Mr Fromentin thereof, and request his removal to Pensacola. But it does not appear to me that there can arise a necessity for an individual to have a copy of any of the archives before the meeting of the next Congress. I shall therefore not make any appointments of this kind, until I hear from the President upon the subject.

I have here met with Majr Staunton of the Quarter Master Depts, who advises me, that he is without Quarter Master funds for the purpose of carrying into effect the transportation of the civil and military officers of Spain from the Floridas, as stipulated under the treaty with Spain, and informs me that it is understood by the Quarter Master Genl, that through me, the funds necessary to carry into effect the stipulation for transporting the Spanish troops, are to be obtained. From the perusal of my instructions, it does

not appear, that I am authorised to draw upon the State Department for Quarter Master funds; but will take upon me the responsibility, so to do. I thought it most adviseable, to endeavor to raise here by a draft upon your Department, the sum necessary to meet the expenses of receiving the country, and organising the Government thereof, fearing that a draft would not be sold at Mobile or Pensacola — For this purpose I offered for sale a draft and found, I could not obtain United States paper for it without a discount. I therefore directed Majr Staunton to apply to the Branch Bank of the United States to be informed, whether it would advance upon my drafts — it refused. I then addressed a note to the Collector Mr Chew, the enclosed is his answer. I also enclose the statement of Majr Staunton, from all which, you will discover that without a discount money cannot be obtained here on drafts upon the Government. No delay however, shall occur in the transportation of the Spanish troops from the want of funds, as far as I can command them — Nor will I consent to sell bills on the Government at a discount to any, and more particularly to the Branch Bank of the United States, in which is deposited all the revenue of the Government ~~of the same~~ received at this place. I shall endeavour at Pensacola to raise the funds on drafts, should I fail there I trust upon the receipt of this, the Government will instruct the Branch Bank of the United States, to furnish me with the amount necessary to meet the expenses that may occur, in receiving the Floridas and organising the Government thereof —

I am Sir, with sentiments of great respect

Yr Mo Obt & Humble Servant

Sign, Andrew Jackson

The Honble,
John Q. Adams
Secretary of State

Copy of a letter from Genl. Andrew Jackson to his excellency Don Jose Callava, Governor of Pensacola, dated Montpelier, 30th April 1821

No. 1

Sir

Doctor J. C. Bronaugh Surgeon Genl. of the Southern Division, and my friend and one of my private Secretaries, Judge Brackenridge, will present you this letter. They are the bearers of a communication to you, on the subject of the late treaty between the United States and his Catholick Majesty, and also of all the documents with which I have been furnished to authorise me to receive possession of the Floridas. These gentlemen are authorised by me to receive any communication you may be pleased to make, in relation to the necessary arrangements for the transportation of the officers and troops of his Catholick Majesty, or to such other subjects, as you may think necessary, preparatory to the surrender of the Floridas, according to the stipulations of the treaty —

God preserve you many years
With sentiments of respect
I am Sir, yr Most
Obt servant.
(Signd.) Andrew Jackson

His Excellency
Don Jose Callava
Governor and Commander
in Chief of West Florida

Genl. Jackson, to his excellency, Don Jose Callava, Governor and Commander in Chief of West Florida, dated Montpelier
30th April 1821

No. 2.

Sir,

I have the honor to inform your excellency, that I have been duly commissioned by the President of the United States, to receive possession of the Floridas, agreeably to the stipulations of the late treaty, between the United States, and his Catholick Majesty. I have also to inform you, that Col. James G. Forbes has sailed from New York to Havanna, charged with the royal order to the Captain Genl. for the delivery of the countries ceded to the United States by the said treaty, and that he is to communicate with me from

from Pensacola immediately on his arrival, which may be daily expected.

Being desirous, in order to avoid all unnecessary delay, to have in readiness on the arrival of Col. Forbes from Cuba, the necessary transports for the civil and military officers, and the troops of his Catholick Majesty, agreeably to the stipulations of the treaty, as well as for their supplies (according to the liberal construction which the President is disposed to give to the treaty,) I have to request you to inform me the numbers of troops to be transported from Pensacola and St. Marks, and also of the number of days in which the passage from Pensacola to Havanna is usually performed. As the transports and supplies, will be procured at New Orleans, you will be pleased to inform me what length of time will be necessary on your part, after the arrival of the order from the Capt. Genl., to enable you to make the necessary arrangements to embark — This information is requested in order that I may have every thing in a state of preparation for your transportation the moment you are ready — It is also important to enable me to have the necessary supplies transported to Pensacola and St. Marks, and in depot for the troops which are to occupy the Floridas.

It being communicated to me, that it is expected from the assurance of his Catholick majesty through his minister at Washington, that no unnecessary delay will take place in delivering possession of the Floridas. I have ordered the supplies of the troops of the United States to be forwarded to Pensacola and St. Augustine, and they are expected to arrive at those points by the fifteenth of the next month. The situation of my troops in the interior, and the difficulty of supplying them there, render this step necessary, and orders have been given to expedite no further supplies to the places which those troops at present occupy. A removal of them at an early day, is therefore rendered necessary, and I have no disposition, unless urged by necessity, to move my troops to any garrison occupied by the troops of his Catholick majesty, unless the same shall be evacuated, being, I assure you, earnestly desirous that nothing may occur to disturb that harmony and good understanding, which at present so happily exists, between our respective Governments, and the citizens and subjects of each —

From a wish to maintain the most perfect harmo-

- ny and good understanding between us, during our correspondence, I have charged the bearer of this communication, Doctor J. C. Bronough Surgeon General, of the Southern Division, and my friend and one of my private secretaries, Judge Breckenridge, to make known to you the sincere desire on my part to carry into effect the stipulations of the treaty and the surrender of the Floridas, in the utmost good faith and amity with the officers of his Catholick majesty, as well as the promptness with which every thing stipulated under the treaty on the part of the Government of the United States, will be executed agreeably to the most liberal construction of that instrument.

God preserve you many years

His Excellency

Don Jose Callava

Governor and

Commander in Chief

of West Florida

I am with sentiments of respect

Yr. Most Obt. & humble servant

(Signed) Andrew Jackson

Genl Jackson to the Secretary of State dated May 1st 1821

Blakely, Alabama State

Sir,

I arrived at this place on the morning of the 29th ultimo, and immediately communicated with Montpelier by express, which returned last evening, with information that no advices had been received there from Col. Forbes.

Being informed that associations exist for the purpose of introducing a number of Africans into Florida, before the change of Government, and that for this purpose an agent from Baltimore and another from the East are now, the one in Pensacola and the other in Cuba or Bahama Island - To obtain possession of the ceded country as soon as possible, and thereby prevent the furtherance of this dreaded evil, I have this morning dispatched Doctor Bronough and Judge Breckenridge, with communications to the Governor of Pensacola, copies of which I send you herewith, marked No. 1 and 2, and also with instructions to inquire into the truth of a complaint made to me in New Orleans and reiterated here, that, the Spanish subjects in Pensacola are constantly in the habit of

pulling down the houses of non-residents Americans for fuel.

My Aid de Camp Capt. Call, whom I sent from Nashville over land to Montpelier, has not reached that place owing it is presumed to the unusual freshets prevalent in the upper country - This will detain me here, until the arrival of my horses, and until the return of the Gentlemen whom I have sent to Pensacola.

I have directed Col. Brooke in command at Montpelier, to forward to this place all communications which may be received at Montpelier for me - as soon as I hear from the Governor of Pensacola, I will communicate to you his reply.

I have signified to Commodore Patterson, the propriety of sending a vessel to take a recognisance of the Florida coast as far as Tampa bay - to intercept any american vessel loaded, in whole or in part, with Africans.

From conversing with Majr. Staunton of the Quarter Master Depty on the subject of supplies for the Spanish officers and soldiers on their voyage to Cuba, and the inconvenience of preparing the bread on board, I have directed him to order Capt. Rodgers of the Commissariat Depty to have a sufficient quantity of sea biscuit prepared for their supply. In this arrangement there will be a saving of Tonnage to the United States, and it will have the happy effects of preventing any complaints from Spain, on the score of supplies, or, as to the liberality of the Government of the United States, in their construction of the treaty - I hope this measure will meet the approbation of the Government.

With sentiments of great respect
I have the honor to be your
Obt. servant

The Honble,
(Signed, Andrew Jackson

John Q. Adams
Secretary of State

Genl. Jackson to the Secretary of State, dated, Blakely, May 1st. 1821.

Sir

Finding it impossible to sell bills on Government, any where South of Baltimore, I have placed into the hands of Col. Gadsden, bills to the amount of three thousand dollars, to be made payable, in Baltimore, Philadelphia, New York, or Boston, which he takes to New Orleans to endeavor to raise money upon, at par. Should he make sale of them, they will be accompanied with a letter of advice, and I hope, will be honored and paid ~~at~~ on first sight —

I am Sir, with sentiments of great
respect Yr. Mo. Obt servant
Signed, Andrew Jackson

The Honble John Q. Adams
Secretary of State,

Genl Jackson to the Secretary of State, dated, Blakely, May 7th 1821

Sir,

In my letter of the 1st instant, I advised you of my arrival here, of communicating with Montpelier and hearing nothing from Col. Forbes, of my sending Doctor Bronaugh and Judge Brackenridge to obtain information necessary to be had, before I gave instructions to Majr Stanton of the Quarter master Dept, to provide the transportation and supplies necessary for the transportation of the officers and soldiers of Spain. These Gentlemen have this morning returned, and the enclosed translation of a letter from the Governor of Pensacola and the report of these Gentlemen, will give you the information required, and may not be uninteresting to you.

Finding from the report of these above gentlemen, that the Hornet had reached the Havanna on the 9th ulto, and believing that she must reach Pensacola shortly, and reflecting, that it is better for the transportation to be ready with the supplies and to wait for the arrival of the Hornet, than the Spanish officers and troops to wait for the transportation to be procured after her arrival. I have ordered Majr Stanton to repair to Orleans, and ~~and~~ procure the transports and supplies, and to have them ready to sail to

Pensacola on the first notice of the arrival of the Hornet there — Mass. Staunton informs me, that he thinks vessels can be obtained on much better terms now, than they can be, after it is known that the Hornet has returned, and that transportation must be immediately had. He is instructed to make the most advantageous contract he can, to save any demurrage for account of any short delay; and I have no doubt from the rumours of mercantile associations to introduce large quantities of goods into Pensacola, that there will be a great saving to the U. States, by having the transports ready on the arrival of the Hornet, as well as earlier possession of the ceded country — It is all important for the health of our troops to have them removed from Fort Gadsden in all this month, or early in next; and every exertion as far as it rests with me, shall be used to obtain this object

I am at a loss to conjecture the causes of the delay of the Hornet — a few days will give us the reason, and I hope it may not be found to exist in any understanding existing between an association of our merchants, and the Governor General of Cuba; But Sir, it is rumoured and believed here, that such an attempt will be made by merchants, to prevail upon the Governor Genl; to withold the order for the delivery of the Floridas until the last moment, to give time for the arrival of large shipments of goods for Pensacola —

I am Sir, with sentiments of great respect
Yr most obt, humble servant
Signed, Andrew Jackson

The Honble
John Q. Adams
Secretary of State.

Sir — Blakeley 7th May 1821

In pursuance of your instructions we left this place on Tuesday morning and reached Pensacola about 10 O'Clock the Thursday following. The Hornet was not there, but from information on which we believe reliance can be placed, she arrived at Havanna on the 9th ult.

We immediately addressed a note (A) to the Governor, inclosing our letter of Introduction, and requesting an interview as soon

as it would be convenient. He sent us a polite Answer (B) inviting us to wait on him at the Government House at 10 O'Clock the following morning the 6th Inst: At the hour appointed we waited on him and presented the communication from you of which we were the bearers, and which being explained to him, he observed, that on the subject of the Treaty, he was only subordinate to the Captain General of the Island of Cuba, that as nothing had been communicated to him from his superior, he had no authority to enter into any arrangements respecting it; that he could do nothing until he should receive his Orders through the regular & proper Channel. He declared his wish to avoid all unnecessary delay, and to act with the utmost promptitude the moment he should receive his orders from the Captain General. We observed to him, that this information was requested in order to prevent such delay, to enable you with greater certainty to provide the transports & supplies, and offered to shew him the Copy of the Royal Order and other papers in our possession. We reminded him of the situation of the Troops of the United States in interior, intended to occupy the Posts within the Floridas — the approach of the sickly season, the difficulty of all military movements by land or sea, in this climate, after the months of May or June. He repeated that he had no authority whatever to take any step until authorised by the Captain General, declined the perusal of the Royal Order, but declared his willingness to communicate fully all the information required by you, the moment of the arrival of the Order from Havanna. We then requested him to communicate in writing to you, what he had stated to us, which he promised to do. We received his reply (C) in the evening, and the next morning set out for this place where we arrived this morning. Previously to our departure from Pensacola we addressed a Letter (D) to the Governor expressing our regret at not being able to obtain the information which we sought, and enclosing a letter to Col: Forbes (E) making known your arrival, and stating your anxiety to obtain possession of the Floridas as speedily as possible.

With respect to the points on which we were instructed to obtain information, the following is the result of our enquiries and observation. The number of Troops including Officers and persons connected with the Government who will leave the Country, does not exceed five hundred & fifty;

two hundred of them are in Pensacola, the remainder at the Barrancas and St. Marks. Every thing seems to indicate the prevailing understanding that they are shortly to quit the country. The Troops are not regularly drilled - there were no morning or evening parades, the publick buildings are entirely neglected, and the Government seems to be carelessly administered. The inhabitants are impatient for the change, and it is said that but few of the Spanish families will leave the place. The Governor, we were told, is personally desirous to be gone - he is a frank, candid Soldier, and we have no doubt that any difficulties, or delays, which may occur, will be occasioned by the Captain General.

There are at present, in the Harbor, only a few coasting vessels; there have been but few arrivals, and we are satisfied from every thing we have observed, that the account which we have received respecting the importation of Africans is not correct. If any such traffic be carried on, it is much more likely to be between Havanna and St. Augustine. On the other subject respecting which we were directed to make enquiry, the injury said to be done by the Soldiery to the untenanted Houses belonging to American Citizens, we find, that such injury has been done alike to the buildings of Spanish subjects. Nearly all the Houses of this place are in a State of dilapidation, and there are nearly one half unoccupied, few of which can be inhabited without extensive repairs. Nearly every dwelling, however, has been taken by persons who are waiting with impatience the change of Government. Rents have risen astonishingly within a few weeks, and Town property is now as high, as it probably will be, excepting in particular situations, for some time to come. Nearly all the publick property - the publick squares, the ground around the Block-House, estimated at a very large amount, is claimed as ~~publick~~ property, it having been sold by the Order of the King, as we are informed, some years ago; it is a subject, however, very well worth enquiring into. We suspect there is a great deal of

very valuable public property in and about Pensacola.

From the shortness of our stay it was not in our power to obtain information on other subjects, and those we have noticed; not as fully as we could have wished

We have the honor to be &c.

(signed) J. C. Bronaugh
H. M. Brackenridge

Major Genl. A. Jackson
Commandg &c. &c &c.

(A)

Pensacola
Thursday morning 3rd May 1821.

To His Excellency
Don Jose Callava
Governor and commander in chief of West Florida,

Sir,

We have the honor to inform your excellency that we are the bearers of a communication from Major Genl. A. Jackson commanding the Southern Division of the Army of the United States and Commissioner for receiving the Florida's - The enclosed letter will explain the object of our visit.

We take the liberty to request an interview as soon as it may be convenient. Your Excellency will be pleased to intimate to us, at what hour we may do ourselves the honor, to wait upon you.

We have have the honor to be &c

(signed) J. C. Bronaugh
H. M. Brackenridge

(Translation) (B)

Pensacola
3rd May 1821.

Messrs. J. C. Bronaugh & H. M. Brackenridge

Sirs

Your esteemed favor recd. this morning at the same time accompanied by that of his Excellency Major Genl. A. Jackson and of which you were the bearers, by which I am informed that you are commissioned by the Genl. I have the honor to inform you, that at 10 O'Clock tomorrow morning the 4th Inst

you can have the interview with me which you solicit of the Government House.

I avail myself of this first opportunity which has offered itself to tender you my services & in the mean time remain

Yrs &c.

(Signed) Jos. Callava.

(Translation) (C)

Most Excellent Sir,

~~[illegible]~~ yesterday morning, I rec'd your letter dated the 30th of April last, at Montpelier, by which you inform me that Dr. J. C. Bronaugh Surg: Genl. of the D. of the South & Judge Brackenridge one of your private Secys. are the bearers of a communication to me on the subject of the Treaty between the U. States & his most Catholick majesty and also of the documents by which you have been authorised to receive possession of the Floridas

(Here follows a recapitulation of the different letters addressed to him, to be copied in full)

In reply I have to make known to your Excellency that at present I cannot enter into the particulars to which you have called my attention, because I have not yet rec'd from his Excellency the Captain General of the Island of Cuba the superior chief on whom I am immediately dependant, orders relative to the Treaty & to the delivery of this province and by these my measures must be governed in case I should be the person authorised to make the same.

Messrs Bronaugh & Brackenridge having requested me that immediately on the arrival of the U. States vessel Hornet I should give information of it to you. To which I assented with much pleasure.

I have the honor to express to your Excellency the

satisfaction which your sentiments have given me, & take occasion to reciprocate the offers of my most sincere services.

With the highest consideration
God preserve you many years.

Pensacola, 4th May, 1821. — Jos. Callava
Col: Commandant of West Florida —

To His Excellency
Major Genl. A. Jackson
&c &c. &c

(D)

Pensacola 4th May 1821

Dear Sir,

General Jackson arrived at Blakely on the 29th ult., and immediately sent an express to Montpelier, in expectation of meeting with despatches from you at that place. On the return of the express, he thought proper, from his great anxiety to comply with the wishes of the President to obtain possession of the Floridas early in this month, to send us with a communication to the Governor of this place, requesting the necessary information to provide the transports and provisions for the Spanish officers and soldiers, and to communicate with you, calculating on your having arrived here. We were much disappointed at not finding the Hornet at this place, but immediately requested an interview with the Governor, which we obtained the day following. He informed us that he could make no arrangements or say any thing on the subject, until he received his orders through the Captain General to whom he is subordinate. We were therefore disappointed in obtaining for the present the information which Genl Jackson desires; the Governor promised, however, to communicate it fully by express as soon as you should arrive —

Genl Jackson expected to have every thing in readiness by the fifteenth of this month to transport the Spanish troops to Havanna. The supplies for the American troops are expected, at this place and at St Augustine by that day, and orders have been given to discontinue the supplies at the points which troops at

present occupy. The engagements of transports at New Orleans, and the purchase of supplies must be delayed, until the information acquired by the General, shall be obtained. The situation of the troops in the interior, renders it very important that they should be moved without a moments' delay,

We therefore request you to receive the Governors answer to Genl Jacksons communication, and forward with your despatches for the Genl with the utmost possible expedition. He is extremely anxious to avoid all delay, as the season is now far advanced, and many reasons concur in rendering it necessary to take immediate possession of the Floridas

We are Sir, with sentiments of great respect
Yr Mo Obt & Humble Servants

Signd. J. C. Bronough
H. M. Brackenridge

Col, James Forbes,
Agent and Commissioner to bear the Royal order from the King of Spain to the Capt General of Cuba

(E.)

Pensacola
May 4th 1821.

To His Excellency
Don Jose Callava
Governor & commander in Chief of West Florida.

Sir,

We do ourselves the honor to acknowledge the receipt of your Excellency's reply to the communication of which we were the bearers from Major Genl. Andrew Jackson commanding the Southern Division of the U. States Army and Commissioner for receiving the Floridas.

We regret that your Excellency does not consider yourself authorised to communicate the information

solicited, as it was extremely desirable for the reasons which have been urged. An exact knowledge of the number of persons for whom transports were to be furnished and the supply of provisions necessary, would have very much facilitated the arrangements on the part of the United States. It will however be gratifying to Genl. Jackson to receive your Excellency's reply on the arrival of Col: James G: Forbes with the orders from the Captain General of the Island of Cuba for the delivery of the Floridas, to whom we have addressed the enclosed letter, which we take the liberty of requesting your Excellency to deliver immediately upon his arrival at this place. We have requested Col: Forbes to receive any communication your Excellency may please to make to General Jackson, and forward the same together with his own dispatches.

We have the honor to be &c.

(Signed) J. G. Bronaugh
H. M. Brackenridge

To His Excellency,
Don Jose Callava
Governor & Commander
in Chief for West Florida.

Montpelier
11th May 1821.

Sir,

I take the liberty to introduce to you the bearer of this letter, my Aid-de-Camp, Capt. Richard K. Call, a Gentleman of great merit, and for whom I entertain the highest esteem. He is charged by me with a communication acknowledging the receipt of your letter of

the 6th Inst: in reply to my letter, and containing some further suggestions which I hope will meet with your approbation. Capt. Cole is fully authorised by me to make any arrangements which under present circumstances may be considered necessary and proper. As it may be necessary in the case of the further delay of the Hornet to proceed to Havanna, I have to request, that your Excellency will afford him such facilities as he may require, and as may be consistent with propriety

I am respectfully &c. &c.

(signed) Andrew Jackson

Montpelier
May 11th 1821

To his Excellency
Don Jose Callava
Governor and Commander
in Chief of West Florida
Sir,

I have the honor to acknowledge the receipt of your letter of the 4th inst. handed to me by Doctor Bronough and Judge Breckenridge, in reply to mine of the 30th April of which those Gentlemen were the bearers.

I was well aware that you could take no order for the delivery of the Floridas in pursuance of the treaty between the United States and his Catholick Majesty, until you received instructions to that purpose from the Capt General of the island of Cuba; but I had entertained a hope, that in virtue of the treaty, with which you cannot be unacquainted, it would have been in your power to give me the necessary information of the number of officers and men for whom transportation was to be furnished under the late treaty, and for whom (according to the liberal construction given by the President) the President had instructed me to furnish the necessary supplies for their voyage to Cuba.

Being informed, however, by Doctor Bronough

and Judge Breckenridge, that you expressed to them your willingness on receiving or examining the necessary instructions from the Captain General, to prepare with promptness and without delay for the delivery of the country, and the transportation of your officers and men, I have directed my Quarter master to furnish transportation for six hundred men, with the supplies for their voyage, and now inform you, that the same is ready, and will sail for Pensacola on the first notification of the receipt of the order for the delivery of the Floridas,

I advised you in my letter, that in consequence of the assurances to the President, by his Catholic Majesty's Minister at Washington, that no unnecessary delay should take place in the delivery of the country ceded, Orders have been given to discontinue the sending supplies to my troops in the interior which are intended to occupy St Marks and Pensacola. Two public vessels are now at anchor in Mobile Bay loaded with supplies for Pensacola and St Marks. These vessels are intended to transport your garrison from St Marks to Pensacola, and the garrison of the United States from Fort Gadsden to St Marks. I have charged my Aid de Camp Richard K Call, to consult your excellency upon the subject, and to be informed, whether on your part, there would be any objection to my making a deposit of the supplies on board those vessels destined for Pensacola, and whether it would meet your wishes, to have the Garrison of St Marks transported to Pensacola, preparatory to the delivery of the country ceded, so that when the orders from Cuba shall arrive, all your Officers and men can be transported together, under convoy of the United States sloop of war the Hornet. Should this arrangement meet your wishes and be within your present powers, it would greatly expedite the delivery of the country, the transportation of your troops, and their safety, being all embarked at one point under convoy of the Hornet.

I take this occasion to repeat the assurances I have given, of my sincere desire, that all things may be conducted with harmony and friendly feelings between us, and that every attention may be paid to the comfort, safety and convenience of the Spanish officers and troops, to whom, considering the approach of a season less favorable for their voyage, a speedy departure must be equally desirable.

God preserve you many years,
I am, respectfully
y. most obt servant
(sigd.) Andrew Jackson

Montpelier May 19th 1821 –

General Jackson to the Secretary of State

Sir,

I am still without any information from Col. Forbes, or from the Hornet since her arrival on the 9th ultimo at the Havanna, of which you were advised in my last. Her delay is unaccountable and places us in an unpleasant situation – it certainly was, from the treaty the expectation of both Governments, that we would have been before the 22nd instant in full possession of the Floridas – the situation of those troops on the Apalachicola in the interior and which are to garrison St Marks, is unpleasant, and the delay will add much to the expense of transporting provisions to them, especially as they are again to be transported to St Marks –

Believing as I do, that as soon as the Spanish agents are notified of the ratification of the treaty, and the exchange thereof, there can be no reason for delay; the moment the Hornet arrives, I shall move to Pensacola and having taken possession, shall organise and commence the Government of the country, as a thing which we have a perfect right to do at any time – the evacuation of fortifications by the Spanish officers and troops and the transporting them to Cuba, is another thing, to accomplish which, they have six months, if it is not possible to withdraw them sooner –

Here, from my instructions, I am to remain until the arrival of Col Forbes; but on his arrival, if any delay is attempted it cannot be attributed to the government of Spain, but a wanton act of her officers not warranted by good faith, or by the treaty. In this case therefore, I have a right to present myself and demand possession – This course I intend to pursue if necessary, and my conjectures that this course may become necessary, grow out of the delay of the Hornet Col Forbes – from reading his instructions I cannot see any real cause for this delay, or how it has occurred – or why he has permitted it. Still, I hope he has good reasons to satisfy his Government in this particular –

I am Sir, with sentiments of great respect, yr. Most Obt. and
Humble Servant

(Signed) Andrew Jackson

The Honble,
John Quincy Adams
Secretary of State,

No. 3. Letter Bk N. 2

Copy of a letter from Don Jose Callava Governor and commander in chief of West Florida, dated May 16th 1821 — Pensacola

Most Excellent Sir

I received yesterday morning with much satisfaction by the hands of Capt. Richard K. Call, your excellency's Aid, your communication of the 11th in reply to mine of the 4th inst—

I am persuaded that I stated to Judge Brackenridge, in the interview with me, and on the delivery of your first communication, that your excellency would find no obstacle to the depositing at this place the supplies to which you refer, and on this occasion I have given the same assurance to Capt. Call

The suggestion of your Excellency respecting the transportation of the Spanish Garrison of St. Marks to this place, in order that united with the rest, they may sail together under the convoy of the Hornet, is as worthy of your Excellency's prudence as it is necessary and proper; and I shall contribute to it with pleasure (as soon as the expected orders shall arrive from Capt. General, as far as may be in my power, and with the activity and energy necessary ~~necessary~~ to prevent the inconveniences which may be occasioned by delay; I regret that at present this is not within the compass of my authority, those orders not having yet arrived.

I hope your Excellency will do me the honor to be fully persuaded, that I heartily concur with you in wishing that every thing between us, may be conducted with the utmost harmony and friendship; as also of the satisfaction which your sentiments have given to the officers and troops under my charge, as well as to myself—

As soon as I shall be empowered to enter on the subject of the evacuation of this province, I will transmit to your excellency with

the utmost exactitude the information requested of me, and whatever else may contribute to the more satisfactory accomplishment of the business —

Capt Call shall receive from me all the respect and attention due to him, as well on account of his individual worth, as well as of the pleasure I shall take in honoring your Excellency's communication recommendation

God preserve you many years

(Signed), Don Jose Callava

Copy of Capt Call's report to Genl Jackson dated 21st May 1821
Montpelier,

General,

In obedience to your instructions of the 11th inst, I left this on the 13th and arrived at Pensacola on the 14th inst. The result of my mission to which place, I have now the honor to report

On my arrival I addressed a note to the Governor of which No. 1, is a copy, and received in reply No. 2, and herewith enclosed. On the 15th I had an interview with the Governor, delivered your letters of the 11th, and received for answer the letter No 3, which I have presented to you, and from which you will find that the Governor has acceded to your proposition so far as it relates to your making a deposit of provisions at Pensacola, to facilitate which he has offered a Public store house and a guard for its protection. But he expresses much regret that he is not authorised to withdraw the Garrison of St Marks, until he receives the orders of the Capt General of Cuba to that effect. He pledges himself, that every exertion in his power shall be made to carry the treaty into immediate operation, and that when ordered by the Capt Genl every facility on his part shall be given to the American authorities for the most prompt occupation of the ceded country. I had repeated interviews with the Governor, and as far as I had an opportunity of forming an opinion of his character, I believe him to be a frank and, ingenuous soldier, and that every confi-

—dence may be placed in the professions which he has made — Of this I am sure, he is not less anxious to leave, than you to occupy the ceded country. For information relative to the Sloop of War Hornet, I refer you to Mr. Thompson who left her in the port of Havanna on the 9th instant.

I am Sir, very respectfully
Y'r obt servant
(Sign'd) R K Call
Aid de Camp

No. 1.

Capt. Call, of the United States' Army, presents his respects to Don José Callava, Governor of West Florida, and informs him that he is the bearer of a communication from Major General Jackson to his Excellency, with whom Capt. Call requests the pleasure of an interview.

Pensacola, 14th May, 1821.

No. 2. (Translation)

His Excellency, Governor Callava, has just received Capt. Call's note: he presents his respects to him, and informs him that he can have the interview which he requests, at 10 o'clock to-morrow morning, in the Governor's Palace (State-House).

Pensacola, 14th May, 1821.

Copy of a letter from Col. James G. Forbes to Genl. Jackson.

Havanna, 7th May, 1821.

Sir,

Commissioned by the President of the U. S. to deliver the Royal order upon the Governor of Cuba for the delivery of the Floridas to our Government, I was directed by the Honble. Secretary of State to communicate with your Excellency, upon my arrival at Pensacola, with the farther order of the Governor to the Spanish authorities in the Floridas.

I arrived in the Hornet Sloop of War, on the 22d. of last month, and was very favourably received by Governor Mahy, who expressed a wish to expedite me very promptly as soon as the Convoy for Spain sailed.

This assurance has been renewed to me occasionally since, but I regret to say

that I am still uncertain, when I can receive either the necessary order, or the Archives which come also within the range of my commission.

I avail myself of the opportunity afforded by Mr. Tompson of making this communication and take the liberty of suggesting to your Excellency, the expediency of having a person at Pensacola from whom I can on landing, receive such information as will enable me to communicate immediately with your Excellency by express.

I beg leave also to state, that I have applied for an order in Duplicate form, so as to embrace East Florida, and that on receipt of it, I shall endeavor to find a suitable opportunity of transmitting it to the Commanding Officer of the United States Troops at Amelia Island, subject to such orders as he may receive from the Department of State or from your Excellency, taking the original with me in the Hornet.

As Mr. Tompson is fully acquainted with the nature of my mission, I refer your Excellency to him for any farther information, with the assurance that no exertions have been, or shall be spared, to carry into complete effect the objects of such national importance.

I am with gt respect, Sir,
Y. Excellency's very
faithful & mo. Obt. Servt.

(Signed) James G. Forbes
a Commissary & Agent of the
U. S. under the Florida Treaty

His Excellency
Major Genl. Jackson
Governor of the Floridas &c. &c.

Copy of a letter from Genl. Jackson to Col. Gadsden

Montpelier, 21st May, 1821.

Dear Gadsden,

I received, without date, last night, your letter by Capt. Call. The Shields, as soon as she unloads part of her supply for the troops here, will sail for Pensacola, and be subject to your orders.

On the arrival of the Hornet, you will make the necessary arrangements with the Governor of Pensacola for the occupation of St Marks, and the transportation of the Spanish garrison to Pensacola, and also the delivery of the ceded country to me upon my arrival, in the manner you may judge best to promote the object of a speedy possession by the American Government; for which purpose I enclose you a formal ~~delivery~~ authority and power, to appoint an agent to receive St Marks, and receipt for the public property; which authority you can produce, when necessary, to the Governor (Sr. Callava). You will use the Amelia or Shields for the purpose of forwarding to Major Fanning the appointment of commissary to transport his troops, supplies, baggage, &c, &c. – and the other for notifying the Spanish Garrison, and transporting it to Pensacola. –

As soon as the Hornet arrives, I shall move my troops to the vicinity of Pensacola, and encamp them, until arrangements are made for embarking the officers and troops of Spain. My supplies shall be drawn from the deposit of provisions sent on board the Shields, which belongs to this Regt. We retain here only rations to include the 10th June, calculating with certainty on the arrival of the Hornet in two or three days.

I must say to you, from reading Col. Forbes' letter, not considering the delay that has taken place, and the information received from Mr Thompson, that Col. Forbes, although 17 days at Cuba before he left there, had not seen the Intendant, would induce me to ~~believe~~ conclude that the Governor of Cuba was amusing himself and amusing Col. Forbes, and that delay was intended, were it not for the assurances of Mr Thompson of the positive declarations of the Governor of Cuba, that the Hornet should meet with no delay after the Governor had an interview with the Intendant, which was to take place the day or day after Mr Thompson sailed.

I am happy to find, that the Governor of Pensacola has expressed to me in his answer to my letter by Capt. Call, that frankness which will ensure harmony, and from his character I confidently rely, that no delay will be experienced after the arrival of the Hornet, on his part, and I am also happy to be informed by you that the transports will be in Pensacola harbour in ten days from the date of your letter, from which no delay on my part can arise. – Should an opportunity offer, write Majr. Staunton to make all haste with the transport to Pensacola bay. If delay on the part of the Spanish Government unnecessarily take place,

three months having elapsed, at which time it manifestly appears from the 15th. Article of the Treaty, that both Governments expected the U. S. to be in complete possession of the ceded country, it will form a good ground to claim from Spain all damage that may accrue by demurrage on the transport vessels.

It may be proper to name some person with Major Fanning, who in the event of that gentleman's sickness or absence, may act as Commissary and pass receipts on the delivery of the fortification of St. Mark's and the adjacent country. — You will enter into an agreement with Govr. Callava, on the form of the receipts to be given, and enclose a form to Majr. Fanning, or the provisional officer appointed under him.

Our situation here although as comfortable as Col. Brooke and the Officers can make it, is still unpleasant, and a speedy removal, adding much to our comforts, may preserve many lives both to Spain and the U. S., by transporting the officers and men to their respective places of destination, before the sickly season commences. — I thank you for your arrangement with Major Staunton as to money matters. Mr Thompson says it may be in his power to oblige me with about $3,000, when I get to Pensacola.

I wish you to arrange every thing, so that you can sail as the messenger from me to St. Augustine, as soon as I receive the government of Pensacola.

You will notify Col. Forbes, on his arrival, that you are appointed by me my agent to make the necessary arrangements for the receipt of the country from the Govr. of Pensacola, — and you will push an express to me, or visit me yourself. The latter I would prefer, provided the duty assigned you will permit your leaving Pensacola: this I fear however will not be the case, unless there is great promptitude on the part of the Govr. —

Yours, respectfully,

(Signed) Andrew Jackson.

Col. James Gadsden,
Insp. Genl. & Agent of arrangements
with Govr. of Pensacola.

Andrew Jackson Governor and Commissioner for the occupation of Florida.

To all whom these presents shall come greeting. —

Know ye that reposing special trust and confidence in the zeal, fidelity and ability of Col: James Gadsden of the Army of the United States, I do hereby commission him to arrange and settle with his Excellency Don Jose Callaba or the Agent or Commissioner appointed by the Spanish authorities all matters touching the surrender of the Fortress of St. Marks and the Islands and Country adjacent thereto agreeably to the Treaty concluded at Washington on the twenty-second day of February One thousand Eight hundred and nineteen. and he is further authorised to appoint such person or persons as he may deem proper, to receive accept and receipt to the Officer or Commissioner appointed by the Spanish authorities for the Fortress of St. Marks with the Islands and Country aforesaid.

Given under my hand at
Montpelier this twenty first day
of May, One Thousand Eight Hundred
and Twenty one

(signed) Andrew Jackson

Accompanying this commission, there was a Blank commission to be used by Col: Gadsden as occasion might require: Col. Gadsden appointed Capt Cole to execute the above commission —

From General Jackson to the Hon. John Q. Adams Secretary of State—

Mont Pelier 21st May 1821

Sir

On last evening Mr. G. L. Thompson reached me, having left the Hornet at Cuba on the 7th Inst. and handed me a letter from Col. Forbes a Copy of which is herewith enclosed.

Mr. Thompson informed me that Col. Forbes assured him, that he would not be detained more than four days at furtherist, and stated to him that he had this positive assurance from the Governor General of Cuba. How it has happened after this positive assurance, that Col. Forbes had not arrived at Pensacola on the 19th Inst. I cannot conjecture, but it still adds to my suspicions that the Governor General of Cuba, finding that Col. Forbes can be amused, is amusing himself with him, and thereby gaining a delay of time highly injurious to the best interest of the Country, and favourable to the views of those who may be engaged in the introduction of Africans and foreign Goods, to evade the duties— I sincerely regret the delay of Col. Forbes, as on his arrival I am prepared to present myself and receive possession of the Country, and put an end to this barbarous traffic, which I have no doubt is now practising on the Coast of Floridas.

I advised you in a former letter, that I had sent bills on Government, by Col. Gadsden, to the amount of three thousand Dollars to be sold in Orleans, I am advised by him that he cannot effect a sale of them, and that he was compelled to raise money to enable him to procure the necessary transportation for Maj. Staunton, from other sources of which you will be advised hereafter— Unless the Government

furnishes me with a check on the Branch Bank of the United States, at Orleans, I am fearful that I shall not be able to proceed well in the organization of the Government.

I enclose you a Copy of a letter from the Governor of Pensacola received by my Aid-de-Camp Capt Call together with a Copy of his reply, which will shew you the feelings of the Governor, and that nothing is wanting but the arrival of Col. Forbes to place us in possession of the ceded Country.

I am Sir with Sentiments of great respect

The Hon. John Q. Adams Secretary of State

(Signed) Your Obt. Servt. Andrew Jackson

From General Jackson to Maj Fanning

Division of the South

Head Quarters Mont Pelier 22d May 1821

Sir

The abandonment of Fort Gadsden having been directed by the war Department, and your Command appointed to form the Garrison of St Marks; transportation has been ordered to your Post to receive the Ordnance, Stores, Baggage, and Invalides of your Command, which you will order to Sail direct to St Marks, and with your efficient Troops march a cross the Country to that place, where you will relieve and Ship the Spanish Garrison to Pensacola, and occupy the Post of St Marks with your Command.

You will receipt to the Spanish officer or Commissioner appointed to deliver the Same, for all public Stores and buildings attached to the Fortress of St Marks.

The Treaty is silent relative to the disposition of the Ordnance

Ordnance and Ordnance Stores which may be found in the Fortifications of the ceded Territory, but according to the liberal construction given to the Treaty by the President, it is believed we have a right to retain them as appendages to the Fortifications. Should the Spanish Officers attempt to remove them you will remonstrate and insist on their being left; should they alledge that their orders are express for the removal of the Cannon, you will leave it to them to provide transportation for its removal, and report the facts to me forthwith, as the U States are only bound to furnish transportation for the Troops and their Baggage

I am Sir
Very respectfully
Your Obt Servt
Signed Andrew Jackson

Maj. C. F. U. Fanning
Corps of Artillery

General Jackson to the Secretary of State, dated Montpelier
May 30th 1821

Sir

In my letter to you of the 21st inst; I advised you of the arrival of Mr Thompson and the receipt of a letter from Col Forbes, a copy of which I enclosed to you, and which I hope will reach you in due time.—

I have had no information from Col Forbes since my last; but it appears to be understood and expressed by the inhabitants of Pensacola that we will not get possession until the expiration of six months from the exchange of ratifications of the treaty. My letter of the 19th inst, will have given you my construction of the treaty, and my power under the commission to take possession of the Floridas combined with your instructions. I shall anxiously await your answer to that letter as I have but little doubt now, but we will experience every delay that can be thrown in our way, and I have no wish to do any

act contrary to my instructions, or the wish of my Government; but when I review the delays and conduct heretofore practised by the Spanish Government, I feel myself bound to oppose any attempt to prostrate our national character, and to violate the pledges of friendship given in the Treaty. I feel every desire to harmonise, and to obtain possession of the country ceded in the most gentle manner, provided I meet a corresponding disposition on the part of the Spanish officers: But, if the order for the delivery should not be sent by Col. Forbes to the Governor of Pensacola, on his report that he has delivered the Royal order to the Capt. Genl. and Govr. of Cuba, I deem it imperious upon me to advance within the limits of Florida, tender sufficient transportation, and demand a surrender of the country agreeably to the 2nd article of the Treaty. It being presumed that the Capt. Genl. of Cuba has done his duty, and that duly notifying the Governor, he has given the necessary order for the delivery of the ceded country; If the Governor alleges that he is not ready to deliver the country and embark his troops, it seems to me, that he is not only bound to shew good reasons, but also to defray the expences of demurrage incurred upon the public vessels ordered for the transportation of his troops — If the Spanish Governor should not embark his troops before the 22nd of August next — must not the Spanish Government after that date furnish their own transportation, having violated the treaty, and have I not a right after that date to take possession by force, if not peaceably surrendered? from the wording of the act of Congress, I have no doubt we have —

I hope I may be agreeably disappointed in my forebodings, but from the declarations of some Americans that we will not get, nor have a right to demand possession, until the expiration of the six months, and that even then we must negotiate for possession, added to the delay already experienced; I am induced to believe that every delay will be experienced that the Spanish officers think will be submitted to by the American Government. — Be assured I shall act with caution, but with firmness and energy — I cherish a hope, that the officers of Spain may meet me harmoniously, and altho' appearances are at present to the reverse, I still believe they think that I will

act promptly, and that they will be thereby induced not to hazard too much by unnecessary delay — I shall wait with anxiety for your answer to my letter of the 19th instant

I am Sir, with great respect
Yr. Mo. Obdt. Servant
(Signed) Andrew Jackson

General Jackson to Col. Robert Butler, dated Montpelier June 2nd 1821

Sir

I received your letter of the 4th ult. from Hawkins, some time since and deferred answering, expecting daily to hear of the arrival of the Hornet at Pensacola, until my patience is exhausted; I have not heard from Col. Forbes since the 7th of May, at which time he wrote me that he had assurances that he would not be detained more than four days. He had been then at Havanna from the 22nd of April.

My instructions are, to repair to this place and await the arrival of and report of Col. Forbes — How humiliating to the American Government, that it should appoint an agent who would permit him-self thus to be trifled with thus, and the best interests of his country to be sacrificed by this delay, which can only originate to give scope to the mercenary merchant or inhuman African dealer to evade our laws, and inundate our country with merchandize free of duty. I cannot foresee any other cause for such a shameful delay — that Col. Forbes should yield to it, is truly astonishing to me, and that the government should have overlooked this event, and not have provided for it by their instructions, is extraordinary. I reached this Blakely on the 29th of April and on that day com-municated with this post, expecting that Col. Forbes's report was waiting for me — I then despatched to Pensacola, Doctor Bronaugh and Judge Brackenridge with a communication to the Governor, informing him of my arrival, and being invested with full powers to receive the country, to which I received for answer, that so

soon as he received instructions, he would act promptly, and that no delay should be experienced in his delivery of the country — And here I have been detained awaiting the arrival of Col Forbes, with my transports and provisions all ready to transport the Spanish officers and troops — and the Ebapador Col Forbes amusing himself at the Havanna, writing a his-tory of Florida, as report says

The moment the Hornet arrives, I shall push an express to you with the proclamation &c, In the mean time notify the Governor of St Au-gustine of the transports being ready and provisions — stating to him that you are officially informed that the ~~delivery~~ Royal order for the delivery of the Floridas was delivered to the Capt Genl and Governor of Cuba by Col Forbes on the 23rd of April last, and that, from the assurance of the Spanish minister to our Government, you have no doubt that no unnecessary delay in delivering the country should take place, that he has received instructions for the delivery of the country — that the trans-ports being ready, and if detained a heavy expense must accrue for de-murrage on those vessels, that as the delay is occasioned by the neglect of the agents of Spain, that the Spanish Government must assume the ex-pense occasioned by this delay, or shew that it is not possible to embark their troops, for good reasons not growing out of the neglect of the span-ish agents, or you will be compelled to discharge the transports, and report the case to your Government — and be prepared at all events on the 22nd of August to march in and take possession of St Augustine, and if the Spanish troops are not embarked on the 22nd of August, discharge the transports, Spain having violated the treaty, and take possession of the country, and if force is opposed to you repel it by force. However, as I have wrote to the President on this subject, I hope I shall be in possession of instructions in due time to communicate to you before the 22nd of August —

I am with great regard &c &c

Obt servant

(Signed,) Andrew Jackson

Genl Jackson to the Secretary of State, dated Montpelier 8th June 1821

Sir,

I embrace an early opportunity of advising you, that on the 1st inst. Col Gadsden negotiated in Pensacola, a bill drawn by me on you in favour of Mr Gilbert Livingston Thompson for seven hundred dollars — A ~~particular~~ Triplicate of the same bill was afterwards signed by me at the particular request of Mr Thompson —

These bills are numbered 1, and are the only ones as yet drawn by me on you

Respy
Yr Obt Servant
(Signed) Andrew Jackson

The Honble
John Q Adams
Secretary of State

Genl Jackson to the Secretary of State dated Montpelier 9th June 1821

Sir,

I am still here awaiting the arrival of Col Forbes, from whom I have heard nothing since the receipt of his letter of the 7th May last — As I advised you Majr Staunton has engaged the transports, and they will be in Pensacola bay on the 10th instant — they were to sail from Orleans on the 8th instant.

It was calculated with certainty that Col Forbes would have been here long since — should he permit himself to be much longer detained, the demurrage on the transports here and at Amelia Island will be a heavy item in our expense, and occasion us to lose many soldiers by removing them in the height of the sickly season, for Sir, to be candid, I have no hopes of his arriving here before the latter end of this month, or perhaps the 22nd of August. I am certain the

Executive could not have anticipated this delay, or the event would have been provided for by instructions to him. From Col. Forbes's instructions, I cannot conjecture what excuse he will be able to make for this delay —

I am Sir, with great respect
Y. Mo Obt Servant
(Signed) Andrew Jackson

The Honble,
John Quincy Adams
Secretary of State

Montpelier 11th June 1821

Gen Jackson to Col Forbes

Sir

By Mr Tunstall, express, your letter of the 9th instant, containing the long expected information of your arrival at Pensacola, in company with Don Alva Spanish Commissioner for the delivery of the two provinces of Florida to the United States conformably to the treaty of cession concluded with Spain on the 22nd of Feby 1819; was received at 1 oclock P. M. yesterday.

I am happy to find that the Governor of Pensacola has renewed to you the assurances repeatedly made to me and Capt Call, that no unnecessary delay shall attend the delivery of the country ceded —

In referring to your communication to Mr Adams Secy of State: I was not a little astonished to find in the order from the Capt Genl of the Cubas to the two Governors of East and West Florida; that you are named as the commissioner to whom the country is to be delivered — though notes have been made upon the orders; the error appears not to have been corrected in that addressed to the Governor of West Florida. Your instructions if exhibited to, or correctly understood by the Capt General of the Cubas should have prevented a mistake of this character ~~of this character~~ which I hope will not; though it may lead to embarrassing consequences.

Agreeably to your instructions; you was to notify me

of my your arrival in Pensacola with the order from the Capt General to the Governor of Florida for the delivery of the Province to me as sole commissioner on the part of the United States for receiving the same; and to deliver to me, or my order, the Archives, public documents &c, you was required to receive from the Spanish agents in Spain — For these documents I will give you the suitable duplicate receipts deemed necessary by the Department of State on my arrival in Pensacola; and by reference to your instructions your mission so far as connected with me will then have been accomplished —

I will leave this for Pensacola on the 14th instant, and Capt Call has long since been awaiting your arrival in that place; with instructions from me to notify the Governor of West Florida, or the Commissioner who may be appointed to deliver the said Territory conformably to the stipulations of the treaty; of my being appointed sole commissioner on the part of the U States for receiving the same; with further instructions to mature all preparatory arrangements previous to my joining him —

Col R Butler was long since appointed by me, conformably to instructions from the State Department, Commissioner to receive possession of East Florida. He arrived at Darien on his way to Amelia Island on the 17th of May, and must have before this made all necessary arrangements for the accomplishment of his mission. I hope that by the error in the order; as well as a misconception of the powers to Alva, and the limited character of those to Arredondo, no unnecessary delay will result in the recognising Col Butler as Commissioner, and in the delivery of the Province of East Florida to him in my name

Respt
Yr. Obt Servant
(Signed) Andrew Jackson

Col James G Forbes
Agent of the U States — —

General Jackson to the Secretary of State, dated Montpelier
11th June 1821

Sir,

My note of yesterday, sent by express after the Post rider, will have advised you of the arrival of the Hornet at Pensacola on the evening of the 9th inst. The communication of Col. Forbes to you, enclosed to me for perusal, with a request to forward the same as early as practicable, will afford you all the information I yet possess on the subject. There can be now be no cause for delay in delivering the provinces of Florida conformably to the stipulations of the treaty, unless it should arise from the error committed in designating Col Forbes, in the Capt General of Cubas order, as U S Commissioner authorised to receive the ceded country, and which error appears not to have been corrected in the note attached to the order addressed to the Governor of West Florida as Spanish Commissioner—

Col Forbes has not made known to me the causes which detained him after the receipt of the Capt Genls order for the delivery of the provinces, which bears date the 5th May 1821, and it is unaccountable how it should have required until the 28th of the same month, for the two notes to be annexed, which are dated on that day.

By reference to Col Forbes letter to you of the 8th inst it appears that Don Alva, his Spanish colleague, is alone charged with the delivery of East Florida. Should this prove to be the fact considerable delay and embarrassments may result; as the only public vessel on this station, the Non Such, was dispatched from Havannah to St Augustine by Col Forbes with the supposed commissioner, Aredondo, for the delivery of the province of East Florida to the constituted authorities of the U States.

If Don Alva's presence in St Augustine be indispensable it is uncertain when he may be able to reach that place; or do I conceive that under the treaty the U States is bound to furnish him

him with transportation — It is my intention to send Col. Gadsden to St Augustine, as soon as possession is obtained of Pensacola, and have applied to the collector of the port of Mobile for the revenue cutter, Alibama; for this purpose — Should this vessel be obtained — a passage will be offered Don Alva.

There may have been difficulties, encountered by Col. Forbes in the Havannah unanticipated by you or the Spanish minister; but from a knowledge of circumstances as derived from his own communications and from a perusal of the instructions from the State Department to him; it does not appear that his agency has been conducted with that wisdom anticipated — Independent of delays, errors have been committed, the result evidently of an imperfect knowledge on the part of the Spanish Authorities of the capacity in which Col. Forbes was to act — I can only assure you that guided by your instructions, no further delay in obtaining possession of the Floridas will be permitted — I do not anticipate any unless it should grow out of the detention of Don Alva at Pensacola — I am advised by Col. Butler that the transports were at Charleston on the 9th ulto. and must have reached Amelia Island by the 15th — All necessary arrangements connected with the occupation of West Florida have been matured — The transports were to have sailed, with Maj. Staunton on board, from New Orleans on the 3d instant; and their arrival in Pensacola may be expected daily —

Respt.
yr. Obt servant
(Signed) Andrew Jackson

The Honble
John Q. Adams
Secy. of State

Genl Jackson to Don Jose Callava, dated Montpelier — June 12th 1821

Sir,

Your communication of the 10th instant, by Capt Call, was received this morning. I cannot but express my gratification at the order transmitted you from the Capt Genl of the Cubas to evacuate the province of West Florida, with the authority as commissioner to fulfil on the part of the Spanish nation the stipulations of the Treaty of amity, settlement of differences, and limits as concluded between the Plenipotentiaries of his Catholic Majesty, and of the U States, at Washington on the 22nd of February 1819, and ratified on the corresponding day of 1821 — The promptness with which you have complied with my request, after being clothed with authority to act, and the frankness with which you have met my repeated communications, are evidences of those sentiments of harmony and amity which animate you, and which will govern us in our future operations together —

The Documents numbered from 1 to 3, as enclosed in your communication, afford the information required on those subjects as connected with the discharge of the duties of the commission imposed on me. The transports deemed necessary have been provided, and their arrival in Pensacola may be daily expected. I beg you to be assured that in fulfilling the stipulations of the Treaty, the comfort and safe conveyance of the Spanish officers and soldiers to their port of destination, will be duly regarded —

Capt Call was authorised by me to make the necessary arrangements for the delivery of the Fortress of St Marks to the American officer designated to receive it. My motives for proposing an immediate evacuation of that post by the Spanish garrison will not be considered premature, or be misunderstood by you — To have the whole of your military command embark at the same period, and under the same escort from Pensacola it was presumed would be gratifying to you; and with a view of complying with so reasonable a wish, the Government of the U States will willingly

incur the additional transportation of the Garrison of St Marks to Pensacola, in preference to transporting ~~to transporting~~ that Garrison direct to Havanna as the stipulations in the 7th article of the treaty might be construed —

Captain Call reports to me that you require in the evacuation of St Marks, a receipt for the Cannon and other munitions of War which may be left in said fortress; accompanied with a request that transportation may be furnished for two field pieces with the troops that may embark from that post for Pensacola.

By reference to the 2nd article of the treaty of Amity Limits &c, the stipulations of which we are commissioned by our respective governments to execute: It appears that his Catholic majesty cedes to the U States of America, the provinces of East and West Florida, including the adjacent islands, Lots, Squares, vacant lands, Public edifices, Fortifications, barracks, and other buildings which are not private property — It is the opinion of the President of the U States that the cannon belonging to the Fortifications are to be considered as appendages to them, and included in their cession — They constitute a part of the work, for a Fortification deprived of its material of defence, like a ship of war without its armament would lose its character as such — that this fair and just construction of the 2nd article of the treaty alluded to, was the one evidently placed upon it by the Spanish Plenipotentiary, Don Onis, who negotiated the same, may be derived in some measure from the stipulation in the 7th article — In that article the U States is bound to furnish the transports and necessary escort to convey the Spanish officers and troops, and their baggage to the Havanna. no mention is made of cannon, or munitions of War, and there can be little doubt entertained that the Spanish Plenipotentiary believed that he had provided transportation for all the public property which had not been ceded under the treaty, and which could consistently with the stipulations of that instrument be removed — By the 7th article, to the stipulations of which I would particularly direct the attention of your excellency; the Spanish officers, Troops, and their baggage are

above mentioned in the transportation to be furnished — no notice is taken of provisions for the voyage, of the civil department, of the families and servants of the officers, or of the arms and accoutrements &c. of the soldier — yet with as much propriety, and more consistently with the literal construction of the treaty may provisions be denied, and transportation for unenumerated persons, and arms of the soldier be ~~denied~~ refused, as a Fortress to be deprived of the Cannon belonging to it, forming its batteries and constituting its principal material of defence —

The stipulations in the 2nd article of the treaty are for the benefit of the U States; those in the 7th article are for the advantage of Spain; and it is the opinion of the President of the U States as well as his desire, that both should be construed on fair, just, and liberal principles, graduated by the scale of reciprocal benefits —

While therefore I am instructed as commissioner to insist that by the stipulations of the 2nd article of the treaty, the cannon found in the fortifications, constituting their batteries, are appendages to the same and included in the ~~same~~ cession; so am I disposed to give that construction to the stipulations of the 7th article of the same instrument as would comport with the most liberal views; ~~and give satisfaction~~, and give satisfaction to that party entitled to its benefits —

Upon a review of the subject a hope is entertained that the difficulties which have occurred in the arranging measures for the early evacuation of St Marks will be removed on your part, and that the cannon constituting the batteries, or the armament usually belonging to that work, will be delivered with the Fort as included in the cession — Capt Call still acts under the authority delegated to him, and will concert with you the necessary arrangements for the evacuation and delivery of St Marks to the officer designated to receive it. He has my instructions with regard to the transportation of 2 pieces of field artillery requested by you, and he af-

-sured that every accomodation consistent with my instructions and which may be calculated to promote the early and harmonious ter-mination of the duties of our respective commissions will be most cheerfully attended to—

I contemplate moving in a few days into the vicinity of Pensacola, with a view of personally arranging those opera-tions, connected with the faithful ~~discharge~~ execution of the duties which have been assigned us by our Respective Govern-ments—

I have the honor to be

Y^r. Mo Obt^y Servt.

(signed) Andrew Jackson

Don Jose Callava
Governor of West Florida
and Commissioner under
the treaty of limits &c—

Genl Jackson to Capt Call, dated Montpelier
June 12th, 1821

Sir

The accompanying communication is for the Governor of West Florida, it is endorsed open for your perusal, that you may distinctly understand the construction placed by the Executive of the U States, on the 2^d and 7th articles of the trea-ty of amity, settlement of differences, and limits as concluded with Spain— You will seal it and deliver the same as di-rected— If after the perusal of this communication the Governor still insists upon the construction placed by him on the 2^d article of the treaty, you will then state to him the determination to construe the 7th article agreably to its lite-ral signification, allowing transportation for the officers, sol-diers, and their baggage only: not including their families, civil departments, or provisions for the voyage— Actuated however with the same feelings of amity and harmony which the Governor of Florida professes to animate him, and unwilling that any further delay should take place in the occupation of a province by pro-tracted negotiation on points, urged more on the principles of rights

their real importance; you are at liberty to accede to the Gov-
-ernor's proposition of receipting for the cannon in the Forts; on condi-
-tion that he likewise receipts for the transportation furnished for civil
officers, families of officers, servants and provisions, not provided for in
the 7th article of the Treaty. It must be distinctly understood that no act of mine is to
abandon the undoubted right which the U. S. assert to the Cannon, &c, as composing a
part of, and as an appendage to the Forts ceded. — An inventory will therefore of the munitions
embraced in this claim must be taken, and the receipt must specify that they have been received
with the Forts, claimed by the Spanish Commissioner as not included in the cession, but to be held
by the American agents subject to any future disposition which may be adjudged by the respective
Governments. The Spanish Commissioner's will receipt for provisions, transportation &c. will
be given in the same form, and you will distinctly state to the Governour & Commissioner
that if the Spanish Govern.t insist hereafter on the delivery of the one, the U. S. will urge
payment for the other.

Should this arrangement not prove satisfactory, you will then unequivocally
refuse any other facilities in transportation than what is allowed by the literal con-
struction of the 7th article of the Treaty; — i.e. transportation to officers, and soldiers,
alone, without any accommodation for the Civil Department, families, servants or pro-
visions.

You will protest most solemnly against the dismantling the Forts, as an act on the Gov-
ernor's own responsibility, contrary to, and in violation of the 2nd Article of the Treaty; —
and leave it to the Spanish authorities to make provision for the transportation of the
cannon, reporting the circumstances to me.

You will communicate with the Govt. on these points of difference in writing,
keeping copies of your correspondence.

Yours, &c.

(Signed) Andrew Jackson.

Capt. R. K. Call,
U. S. Army

Mont Pelier
18 June 1821

Sir

Your communications of the 22 & 23d Ulto. accompanied with a
list of appointments made by the Executive with a view of establishing, and enfor-
-cing the revenue laws of the U States within the Territories of E & W Florida, con-
formably to the act of Congress for the Government of said provinces, were received
late last night by express — They have been placed on file & their contents
duly noted —

respectfully
Yr mo ob. servt
Andrew Jackson

The Honble
John Q Adams
Secy of State

Genl. Jackson to Don José Callava, dated Manuel's, W. F. 15 Miles from Pensacola.
16 June, 1821.

Sir,

Having been appointed by the President of the U. S. as was made known to you at a former period by Dr. Bronaugh & Judge Brackenridge, sole Commissioner for receiving possession of the Provinces of E. & W. Florida, and to fulfil on the part of the American Govt., so far as connected with the accomplishment of that interesting object, the stipulations of the treaty of Amity, settlement of differences and limits, as concluded by the Plenipotentiaries of Spain and the U. States, on the 22d. Feby. 1819, and ratified on the corresponding day of 1821; — and having been advised by you of your having received authority from H. C. M. through the Captain-General of Cuba, to fulfil the stipulations of the same treaty so far as connected with the delivery and evacuation of the Province of West Florida; I have to inform you of my arrival at this place, prepared to accomplish the objects of my commission.

I have to express a wish that a period as early as possible may be concluded on to the mutual convenience of both parties, when we may meet, exhibit our credentials, officially recognise each other, and enter on the duties of our respective commissions.

This will be handed you by Col. Gadsden, of the U. S. Army, whom I beg leave to make known to your Excellency, as a gentleman of great merit; he will take charge of any communications from yourself to me, and has received authority to ~~concert and arrange~~ conclude upon the arrangements connected with the proposition made. —

I have the honour to be, with much respect,

Your Excellency's most obt. Servt.

(signed) Andrew Jackson

Genl Jackson to the Governor of W Florida dated, Manuel's,
June 17th 1821

Sir,

I do myself the pleasure to acknowledge the receipt of your communication of yesterday the 16th instant —

I freely acknowledge the justice of your position, that you are strictly bound by your instructions, and which is equally applicable to my own situation: It is therefore a duty incumbent on us both, to carry the treaty into effect agreeably to our instructions, and not to consume time in discussing its stipulations. —

It cannot but be regretted however, that our respective governments should thus be at variance on points so clear, according to my view, as to what is conveyed by the 2nd article of the treaty under the word fortifications, as there used. For the reasons you have given, and which I admit to be just; I refrain from entering into a minute examination of the question; but at the same time, I must be permitted in reply to your letter, to shew how widely I differ from you in the construction of the second article of the treaty —

It is true, an edifice is a house, a store house, or other public building for the safe keeping of public property, or other public uses, and a fortification, when stripped of its means of defence, and which constitutes it such, may be called an edifice; and if it had not been the intention and meaning of the contracting parties, that the fortifications as such, with all the means of defence annexed thereto, should pass, the insertion of the words fortifications would have been unnecessary, in as much as the word edifice, had been previously introduced. A fortification stripped of its armaments, is in fact, but an edifice, or a place which has been, or may be a fortification.

The royal order would appear to me to relate to the field artillery, and to the munitions appertaining thereto. I cannot presume that any other construction was intended by H. C. M. to be given to the order, as any other would be to ascribe to H. C. M. a departure from the plain, natural, and obvious construction of the second article, of which the high respect for the good faith of H. C. M. entertained by the President of the United States, and by myself, will not for a moment permit a belief —

I take this occasion to assure you that I would not, if I could, induce you to depart from your positive instructions, on the contrary it is my most sincere wish that the duties entrusted to us may be accomplished in the most amicable manner. When I shall have the pleasure of personally meeting you, I shall hope to make an arrangement agreeably to the instructions given by me to Capt Call, and which he has communicated to you, and which will refer the subjects of difference to be adjusted by our respective governments.

With sentiments of respect, I am
Yr. most obt servant
(Signed), Andrew Jackson

Don Jose Callava
Governor of W. Florida
and commissioner for the
delivery of said province —

18 June 1821
Sir Pensacola.

Your communication of this date was not received untill after I had made arrangements for leaving Pensacola early tomorrow morning to rejoin Genl Jackson pursuant to a previous understanding with him –

It is possible from an imperfect interpretation of our conversation this evening, we may not distinctly have understood each other; and it may be prudent to commit to writing what was said as intended and understood by me

I made you under authority from Genl Jackson but one proposition, which was for an immediate delivery on your part of the Province of W Florida to Genl Jackson, retiring with your military force to any convenient point which might be agreed upon, untill the necessary preparatory arrangements &c could be consummated for the embarkation of the Spanish Troops – This was suggested under a belief that such a measure might be a relief to your Excellency; & prove mutually agreeable to both parties – Of your supposed rejection of this proposition I shall as you request make no official communication to Genl Jackson but leave it to be noticed by you at any convenient or subsequent period –

The substance of my conversation otherwise was not by way of propositions for your assent – Genl Jackson in his communication to you presented through me, had expressed a wish that a period, and place might be concluded upon for a personal interview, when you might exhibit credentials, officially recognise each other, and be prepared to discharge the complicated duties of your respective Commissions. The period & place for this purpose, you was willing, if I distinctly understood you, to be designated by Genl Jackson. His repairing therefore as early as convenient to Pensacola with a small guard: & encamping the American Troops in its vicinity was considered by me as one of those preliminary measures necessarily connected with the preparations to be made for receiving the Province of W Florida, as well as for occupying the military Posts as soon as evacuated; and not exposed to any objections on your part – General Jacksons intentions therefore was only incidentally mentioned as it was both proper & decorous to advise you of it – The American Troops are dependant upon the supply of provisions now in Pensacola & their encamping nearer that city than at present is with a view to their convenience & with no disposition to permit them to come into any collision with the Spanish Troops – Such an event is not anticipated & shall be prohibited

Call Call will receive & transmit to Genl Jackson any communications you may wish to make him

Yours &c
signed James Gadsden
Col US Army

His Excellency
Don Jose Callava
Governor W Florida

Sir —

Manuels 15 Miles from Pensacola
19 June 1821 —

Col Gadsden rejoined me at this place this morning agreeably to a previous understanding with him

I have dispatched some Waggons into Pensacola for provisions for my Troops; & will remain encamped at this place untill I receive a written communication from you in reply to that I addressed you some time since by Col Gadsden; the propriety of which you suggest in your note to him of last evening

His Excellency
Don Jose Callava
Governor of W Florida —

Signed
Andrew Jackson

Genl Jackson to the Governor of W Florida, dated
Manuels, 20th of June 1821

Sir,

I had the honor late last night of receiving your excellency's two letters of the 19th instant, and with extreme regret I learn the continuation of your ill health; but feel gratified with the information, that the violence of your disease has so far abated, as no longer to threaten your existence, and that you now enjoy the pleasing prospect of returning health, for which I offer up my fervent prayers. —

The contents of your letter of the same date to Col Gadsden, in reply to the propositions made by him under authority from me to your Excellency, have likewise been communicated to me —

To prevent any misconstruction of the contents of the communication, I had the honor of addressing you by Col Gadsden of the 16th instant; of the motives which dictated the suggestions therein you still appear to have but an imperfect conception, I deem it proper thus to explain.

On the 10th instant, I was advised by Col Forbes, the American agent charged with the delivery of the Royal order to the Capt General of Cuba, for fulfilling the stipulations of the Treaty concluded with Spain on the 22nd February 1819, and ratified on the corresponding day of 1821, so far as connected with the evacuation of the provinces ceded; of his arrival in Pensacola, accompanied with Don Alva the Spanish Commission-

-er for delivering the Provinces of E & West Florida to the Ameri-
-can Authorities appointed to receive them.—

In a communication from the same American agent to the Secretary of State forwarded through me, enclosing a copy of the Captain General of Cuba's order for the delivery of the Province of W. Florida conformably to the Treaty above alluded to, to which I was referred; it appears that in the order Col. Forbe's name was mentioned as the American Commissioner authorised to receive, and to whom the Territory of E & W Florida was to be deliv-
-ered.

In a communication from your Excellency of the 10th inst, you advised me of having received orders from the Captain Genl of Cuba authorising you, "to enter into any arrangements which may be necessary for the evacuation of the Province of W. Florida; the delivery of it, and the transportation of its Garrison &c."—

To correct these seeming contradictions, I deemed it adviseable to renotify you immediately of my being appointed on the part of the American Gov-
-ernment sole Commissioner for receiving the provinces of E & W Florida, as ceded under the treaty concluded on the 22nd Feby 1819, and ratified on the corresponding day of 1821— And suggested the propriety of a day being ~~appointed~~ concluded on when we might meet, exhibit our credentials, and officially recognize each other under the commissions, with the execution of which we were charged by our respective Governments— As it appears however from your communications that you have recognised me as the Commissioner authorised on the part of the U States, to receive ~~possession~~ the Provinces of E & W Florida, the necessity of our immediate ex-
-hibition of our respective credentials is in a measure removed; and the exchange of copies of them, which hereafter will be both proper and necessary, may be postponed until you are prepared for the delivery of the Province of W Florida, as well as the conclusion of all acts connected with that event.

I now have the honor of repeating to you that under the orders of my Government, I have entered this territory, and now remain

Encamped with my troops 15 miles from Pensacola, prepared to receive the Province of W Florida so soon as you are enabled to comply with the stipulations of the treaty so frequently alluded to in in this letter. I cannot but express an anxious wish that an early period may be designated for the accomplishment of said object; and you will be assured that I am prompted to this by considerations of mutual convenience; interest and comfort to both parties — The season is approaching when a voyage to Havanna will be hazardous from exposure to hurricanes, heavy gales of wind and which so frequently desolate the gulph; and a sea voyage at the approaching period to a more southern climate has not unfrequently proved unfriendly to Individuals compelled to make it — The encamping of troops at this season of the year is alike unfavorable to their health; and the inconvenience of drawing supplies from Depots 15 miles removed from Camp is not only seriously felt; but is in a measure impracticable from the difficulty of procuring suitable transportation in this country.

I am well ~~aware~~ persuaded of the exertions making on your part to act with promptness, and decision in the execution of your commission, and I am also satisfied from arrangements made it would be inconvenient to embark the Spanish troops in Pensacola: before those from St Marks arrive — But with a view of enabling me to operate in concert with you, I must request if practicable that you name in how many days after the arrival of the troops from St Marks you will be prepared to evacuate the province of W Florida, and deliver the same to the American Authorities appointed to receive it.

I have been active in arrangeing the measures connected with the duties of my Commission, and have to inform you that one of the Transports intended to convey the Spanish troops to the Havanna, has some time since arrived in Pensacola — Another engaged for the same purpose was unfortunately cast away near the Balize; but prompt measures have been taken to remedy the misfortune in time for your embarkation.

The supplies for the voyage had necessarily to be drawn from the American depots on the Mississippi; and as the infor-

-formation sought of you some time since could not then be obtained, I was compelled, so that no delay should be ascribed to the American Government Commissioner in the execution of his duty, to be governed in the laying in of supplies &c by the usage & custom which prevailed in the U States.

The enclosed paper contains information as to the component part of the ration as issued to the Troops of the U S Army; and the provisions laid in have been conformable to that.

The ordinary passage from Pensacola to the Havanna; in such vessels as will be furnished your excellency; is from 9 to 10 days. 15 days of the American ration will be laid in; and two days supply of fresh meat the day the vessels sail making in all 17 days rations.

It would have afforded me pleasure to have made the ration correspond to the issues in the Spanish service, had the required information been received in time — Majr. Staunton however of the Q. Masters Department, charged by me with the duties appertaining to the transportation of the Spanish troops to the Havanna; will receive instructions to concert with you all measures connected with the comfortable transportation and comfortable subsistence of the Spanish troops so far as it can be effected in Pensacola by exchanging such parts of the American ration, for such parts of the Spanish as may be preferred.

In the American service no pecuniary allowance is made officers for their private tables. They are entitled to draw their rations the component parts of which are similar to that allowed the soldier at the rate of 3 rations per day to Subalterns and Captains; 4 to Majors, 6 to Lt Colonels, and 6 to Colonels; their private stores are always laid in at their own expence. In the American service we have no rule or precedent to govern issues to Civil Officers, or wives of Military and Civil officers; they shall receive however conformably to the Spanish practice 1½ rations each day; servants of soldiers are entitled to one ration each —

With you I regret any difference of opinion as to the

construction of any articles of the treaty, the stipulations of which we are in part commissioned to execute. I express a hope however that an arrangement respecting the <u>cannon</u> claimed by the Government which I represent, as included in the <u>Fortifications</u> ceded; may be made to our mutual satisfaction, and in a manner which may be amicably adjusted by our respective governments.

I remain Sir, with the warmest sentiments of respect, and with a most anxious wish of personally evincing my esteem for you, whenever the state of your health will permit

Yr. Mo. Obt. Humble Servt.

Signed, Andrew Jackson

His Excellency
Don Jose Callava
Govr. of W. Florida

Genl. Jackson to Govr. of Pensacola, dated June 23d. 1821.

Manuels, 15 miles from Pensacola,
June 23d. 1821.

Sir,

Your letter of the 20th instant enclosing sundry articles for agreement; as well as another communication from you of the 22d. are now before me.

In this last letter, you again advert to the cannon on the Fortifications, and repeat that you cannot subject the artillery to any kind of compromise; but advert to the proposition which you say you had already made me on the subject; and of which you have notified his C. Majesty's minister at Washington. It would have been more gratifying to me if you had repeated that proposition; but to prevent any misunderstandings or mistakes between us hereafter, it is prudent to detail to you what were my views and impressions, lest, they should have been imperfectly interpreted to you; of the proposition you made; and under ~~these circumstances~~ what limitations I assented to the same.—

In my communication to you of the 12th instant, I advised you of the views of the President of the U. States as to the construction to be placed on the 2d. article of the Treaty with Spain; "That the cannon belonging to the Fortifications are to be considered as appendages to them; included in the cession, and to be left with them."

In the same letter, I stated that by the 7th Article of the Treaty, transportation for the Troops to the Havanna with their baggage is alone mentioned; and that no stipulation is made for provisions: but anticipating the most liberal construction of each article of the Treaty, the Presdt. of the U. States had made arrangements for and had authorized the necessary supplies for the Spanish Troops on their voyage to the Havanna.

I do not repeat these remarks with a view of reviving an argument on a subject which was long since put to rest; being sensible from the candour of your confessions, that you can be governed only by the orders you have received.

I request you to consider that I am placed in the same situation; acting under the orders of my government; and have received most positive instructions to insist that the Cannon belonging to the Fortifications be left on them; or to protest most solemnly against their removal, as an act on your Excellency's own responsibility, contrary to and in violation of the 2nd Article of the Treaty concluded with Spain on the 22nd day of February 1819, and ratified on the corresponding day of the year 1821.

To prevent a proceeding of this character, which I feel persuaded would be painful to both of us, but at the same time so to conduct our operations that they might harmonize with and be reconcilable to the respective orders we had received from our Governments, I had supposed that the propositions made and mutually assented to, were these:

First — That an inventory of the Cannon, munitions of war, &c. belonging to the Fortifications ceded should be taken, and signed by the proper officers authorized to do so; with a remark that the said Cannon, ordnance, &c. were claimed by you, but left in my possession subject to any future disposition which might be made of them by our respective governments.

Secondly — That an inventory of the transportation of families of Officers and servants, and of provisions placed on board of the Transports for the supply of the Troops on their voyage should be made out and certified by you as furnished by me.

These are the propositions to which I supposed I had assented: they correspond with the instructions given Capt. Call; for I had no more authority than yourself to relinquish a claim which my Govt believed it had; and ordered me to assert to the cannon, as ceded with the Fortifications in the Floridas.

I presume your views of these propositions were the same, and that they correspond with those of which you have advised his Catholic Majesty's minister in Washington. Should there have been however an unhappy misunderstanding between us on this subject, arising from an imperfect interpretation of our respective communications, I have only to request, with a view of definitively and finally closing all negotiations on this point, that you will state what you intend to do respecting the Cannon belonging to the Fortifications in Florida, so that I may regulate my conduct by the instructions received.

I express a hope however that the two propositions embraced in this letter will be acceded to by you, as they are ~~[illegible]~~ agreeable to me.

I enclose you a memorandum of an agreement which I am willing to sign relative to the transportation of the Spanish Troops, and other matters connected with the execution of the Commissions we are respectively acting under.

The articles differ somewhat from those sent by you, but are placed in the form in which they can be assented to by me.

I am happy to learn that you will be in readiness to deliver the Province of W. Florida to me in four or six days after the return of the Transports from St Marks: I shall be prepared to receive it, and to fulfil the duties enjoined me by my Commission.

I enclose you an attested Copy of my commission: You shall have a view of the original when we meet; and any number of attested copies in English shall be furnished you. The original I deem it proper to retain.

With respect,
Your obt Servt.
[signed] Andrew Jackson.
Commissioner.

H. E.
Don José Callava,
Govr. of W. Florida,
& Commissary under
the Treaty.

Genl Jackson to Govr. West Florida. — Manuel's, 25th June, 1821.

Sir,

I have, but a few minutes since, received your second letter of the 22d instant. — Col. Forbes, the U. S. Agent, had instructions from his Government to arrange with the Captn. Genl. of the Cubas, the mode of transmitting from the Havanna the Royal Order, to the Spanish Commandants or Commissioners, for the delivery of the respective Provinces of East and West Florida to the U. S. Agents authorized to receive them.

I have been impressed with the belief that under these instructions, Col. Forbes sailed to Pensacola in the U. S. Sloop of War Hornet, accompanied with Don Alva, the bearer of dispatches to your Excellency, and that at the same time the U. S. Gun-Vessel Nonsuch was dispatched for St. Augustine with Don Arredondo, the bearer of the necessary orders to the Govr. of East Florida for the delivery of that province. In consequence of your polite letter, I have this day called upon Col. Forbes for an unequivocal report on this subject, and should it be made to appear in the least doubtful whether the Captain Genl. of the Cuba's order has been transmitted to the Governor of East Florida, I will then endeavour to concert with you some arrangement for the safe conveyance of the package committed to the charge of Don Alva.

I have no means at my command at present for transmitting dispatches to St. Augne. but will probably charter a suitable vessel to convey a Messenger to that place, so soon as a definite day is agreed upon for the delivery of W. Florida. By this conveyance, should one be obtained, any dispatches you may wish to transmit will be safe; or any Messenger you may wish to send will be accommodated.

I remain,
with great respect,
Your most obt. Servt.
(Signed) Andrew Jackson.

His Excellency,
Don José Callava,
Govr. of W. Florida,
& Comr. under the
Treaty for its Cession.

93

Manuel's June 24th 1821

10 O'clock A. M.

Sir,

I have this moment received a second letter from Don Jose Callava Governor of Pensacola of the 22nd instant — this letter is on the subject of a dispatch under cover to the Governor of East Florida, brought by Don Alva from the Havanna —

In your letter to me of the 9th instant, you apprise me of your arrival at Pensacola "in company with Don Alva the Spanish Commissary for the delivery of the two Provinces". The Governor in his letter to me of the 10th instant, apprises me of his receipt of orders for the delivery of West Florida and its dependencies, and his appointment as Commissioner for the delivery of the same — and in his letter of the 22nd instant, the Governor states distinctly that Don Alva has no authority but was merely the bearer of the dispatches to him — In your letter to me of the 21st instant, you style Don Alva "the Spanish dispatch bearer". In your letter of the 8th instant to the Secretary of State of the U States, John Q. Adams, transmitted through me and to which by your letter of the 9th instant I was referred; you advise him of the sailing of the U States vessell, the Non Such, with Don Aredondo bearer of the order for the delivery of the Province of East Florida; and that Don Alva your colleague, was the sole commissioner for its delivery —

From these contradictions, and Don Alva's not having reported himself upon his arrival officially, either to the Governor of Pensacola or myself; I have to call on you for a report of the arrangements made by you with the Capt General & Governor of Cuba and the Floridas, that induced you to require Capt Reed of the Hornet to order the U States vessel the Non Such, to sail for St Augustine; and what Personage, and what orders and to whom directed, were to go in said vessel the Non Such, by your stipulations with the Capt Genl, Governor of Cuba and the Floridas —

From the tenor of the Governor's second letter of the 22nd instant, your report on this subject becomes necessary, and that I should be furnished with it without delay — you will

therefore transmit it without as early as possible —

I am respectfully —
Yr. Mo Obt Servant
(Signed) Andrew Jackson

Col James G Forbes
Commissary and Agent
under the Sp Treaty —

Andrew Jackson, Governor of Florida,

To all to whom these Presents shall come greeting:

Whereas, the Congress of the United States, by an act passed on the third day of March, 1821, did provide, that until the end of the first session of the next Congress, unless provision be sooner made, for the temporary government of the same Territories of East and West Florida, ceded by Spain to the United States by the Treaty between the said parties concluded at Washington on the 22nd day of February 1819, all the military, civil and judicial powers exercised by the officers of the existing government of the same, shall be vested in such person and persons and shall be exercised in such manner, as the President of the United States shall direct, for maintaining the inhabitants of said territory in the free enjoyment of their liberty, property, and religion: And Whereas, I, Andrew Jackson, have been duly appointed to exercise within the said ceded Territories, under such limitations as have been or may be hereafter prescribed to me by the President, and by law, all the powers and authorities heretofore exercised by the Governor and Captain General, and the Intendant of Cuba, and by the Governors of East and West Florida within the said Provinces respectively: Now Know Ye, that in virtue of the above powers, I do by these presents appoint William G D Worthington, to exercise within all that part of the ceded territory and the Islands adjacent thereto situated to the East of Cape Florida, all the powers and authorities heretofore exercised by the Governor of East Florida within the said Territory; and I do empower him the said William G. D Worthington, to fulfil and execute the duties of his present appointment in conformity to such

instructions as he may receive from me, and according to law, and to have and to hold the same with all its powers and privileges, until the end of the next session of Congress, unless provision be sooner made for the temporary government of the same, or unless revoked by me. Provided nevertheless, and it is the true intent and meaning of these presents, that the said William G. D. Worthington, or any person acting under him shall have no power or authority to lay or collect any new or additional Taxes, or to grant or confirm to any person or persons whomsoever any title or claim to land within the same;

Given under my hand and private seal (having no seal of office) at the city of Pensacola on the first day of July — A. D. 1821, and of the independence of the United States of America the Forty fifth.

(L. S.)

Signed Andrew Jackson,

By the Governor
R. K. Call,
Act Sec of
W. Florida

Countersigned by, Capt R. K. Call
Secretary & Aid de Camp —

Note,

A provisional commission of the same tenor and date with the above, was forwarded to, and to be filled in the name of the Commandg Officer at St Augustine in the event of Mr Worthington's absence

Fifteen Miles from Pensacola

Manuels 25th of ~~July~~ 1821

Sir,

The President having appointed you to be Secretary in and for East Florida with the exception of that part which lies westward of the Cape, to reside at St. Augustine, and it not being possible for me to attend personally to the duties assigned me as Governor of East and West Florida; I have thought proper to give you all the powers, heretofore exercised by the Govr of East Florida over the same; subject to such limitations as are specified in the commission vesting you, and to my instructions from the President of the United States, a part of which are contained in my third commission from him, a copy of which is enclosed for your government — Enclosed also, is a copy of a letter from the Secretary of State, Mr Adams, of date 22nd of May 1821, and an extract of a letter from him of date 23d of May 1821, for your instruction and Government. I would send you the act of Congress of the 3d of March 1821; but I have but one copy, and you will find it in the newspapers — by which you will also be regulated —

From the tenor of my commission, and the extract from the Secretaries letter of May 23d, which has been noticed as enclosed; it appears that all officers in the Territories not appointed by the President, are to be appointed ~~by me~~ and distributed by me. The President not having appointed a clerk for the court of the U States for the District of East Florida, it follows that that clerk is to be appointed by me; when you see the Judge you will confer with him on the subjects, and if he is not specially instructed to appoint a clerk, you will appoint and commission one for his court. I enclose you an application, made to me by the Honble John H. Eaton, for a Mr Sevier, for your consideration

I leave to your discretion and judgement the appointment and suspension of all officers within the Territory assigned to you, which the public good may seem to you require, with the exception always of such as may be appointed by the President; reporting promptly the circumstances and your proceedings therein to me

Reports relative to the actual state of the Government of the Territory assigned to you, with such alterations as you may think adviseable; you will make to me without delay, in order that you may receive further instructions respecting the same; and also all other information which you may think will tend to promote the interest and happiness of the people of Florida, you will communicate to me, as being comprised within the duties set forth in my third commission — to which you are particularly referred —

I am Sir, with great respect
Yr. Mo. Obt. servant
(Signed), Andrew Jackson

William G. D. Worthington
Secretary of East Florida

Genl. Jackson to the Govr. West Florida.

Manuel's, 15 miles from Pensacola,
26 June, 1821.

Dear Sir,

I have the honor of early acknowledging the receipt of your communication of the 25th. instant.

It is gratifying to me to learn that we have not misunderstood each other on the subject of the Artillery in Florida, and that the proposition of which you have advised His Catholic Majesty's Minister at Washington is the same as originally approved of by me, as the only measure calculated to promote a mutual cooperation in the discharge of our respective duties, or to reconcile those duties with the orders we had received. The Heading or prefatory notice, which you wish to be prefixed to the Cannon, Arms, military Stores, &c. is approved of, and will be signed by me in conjunction with you. To settle the question definitively, I comply with your request, in deciding that in the inventory should be embraced all the artillery with the exception of Field Artillery, in W. Florida, comprehending every thing appertaining to the department of ordnance.

Since writing you on the 25th. instant, I have received from Col. Forbes the report required of him: Col. Forbes assures me that the Schooner Non-such was to have sailed from the Havanna a few days after the Hornet for St. Augustine, with Don Arredondo on board, the bearer of an order to the Govr. of East Florida for the delivery of that Province to the American Commissioner authorized to receive it. Col. Forbes accompanies his report with a letter from the Captain General of the Cubas to the same purport; so that we have every assurance that no injurious consequences can result from the withholding those orders placed in charge of Don Alva, if they relate exclusively to the delivery of the Province.

I have the honour to inform your Excellency that if a vessel can be chartered, Col. Gadsden will sail for St. Augustine, charged with the execution of some

important duties by me, in 3 or 4 days. If I am disappointed in obtaining a water-conveyance to him, he will at all events, in the same period, start by land for the place of destination. Col. Gadsden will with pleasure take charge of any communications you may wish to make to the Governor of East Florida, and will notify you of the time of his departure.

I remain respectfully,

Your obt. humble Servt.

(Signed) Andrew Jackson,
Commr. under the Treaty.

His Excellency
Don José Callava,
Commandt. of W. Florida,
& Commissioned under the
Treaty for its Cession. &c

General Jackson's Instructions to Col. Jas. Gadsden.

Manuel's W. Florida, June 26th. 1821.

Col. James Gadsden,

Sir,

From the tenor of his Excellency, the Governor of Pensacola's letter to me of the 22d. instant, notifying me of Don Alva's having in charge a letter under seal to the Governor of East Florida, and in consequence of the report of Col. Forbes to me on this subject of the 25th. instant, as well as having occasion to communicate by some Confidential Officer with Col. Butler, commissioner appointed by me to take possession of East Florida and its dependencies agreeably to the 2d. Article of the Treaty with Spain; and you having been with me in making all the necessary arrangements with the Governor of West Florida for receiving the same; I have thought proper to charge you as the bearer of the accompanying communications to Col. Butler, as having a knowledge of all the arrangements connected with the occupancy of West Florida, that you may aid Col. Butler in making the necessary arrangements for possessing East Florida, and that uniformity may exist throughout the whole.

You will therefore endeavour, through Major Staunton, Quartermaster, and by your own exertions to obtain a passage by water to St. Augustine, chartering a sloop for this purpose, there being no public vessel that can be obtained. If a vessel cannot be obtained, you will prepare to pass over land, and directions will be given for horses to be provided for this purpose. When ready for this duty, you will notify Don José Callava of the day of your departure, and that you will take charge of any communication that he may wish to send the Govr. of East Florida.— You will also take charge of the package addressed to Wm. G. D. Worthington, Secretary of East Florida, and proceed with as little delay as possible to St. Augustine, or wherever Col. Butler may be found, passing in your route (if by land) Fernandina, and deliver the package addressed to Col. Butler; and if charged with any communications to the Govr. of East Florida, you will deliver them; you will deliver the package addressed to Mr Worthington to Col. Butler, in case Mr Worthington should not have reached St. Augustine.— As soon as the possession of East Florida is proclaimed, you will fill up the blank commission herewith enclosed in the name of the commanding officer of the United States' Troops in East Florida, and charge him with the duties assigned to Mr Worthington and refer him to Mr Worthington's instructions (left open) for his guide and government, until Mr Worthington's arrival, when he will turn over the administration of the Government to Mr Worthington, together with the instructions sent for his guide in executing the duties assigned him.

As soon as you perform this service, remaining with and aiding Col. Butler

in his duties until possession is taken of East Florida; you will then proceed to Washington and report to the Secretary of War, taking with you such communications as Col. Butler may have to send to the Secretary of State.

Yours, with respect,

(signed) Andrew Jackson,

Govr. of the Floridas, and Commissioner for receiving the same under the late Treaty with Spain.

P. S. I send with you blanks to be filled with drafts on the Secy of State for the amount required to meet and cover the expenses of taking possession of East Florida. You will please fill them, advise the Secretary thereof, and take duplicate receipts from Col. Butler for the same, and enclose them under cover to me. (signed) Andrew Jackson.

Manuels 15 miles from Pensacola
26th of June 1821

Col Robert Butler,

Sir,

I have received your letter of the 20th ultimo, and it affords me great pleasure to be informed of your safe arrival at Fernandina and your preparation to visit the Governor of East Florida —

From the date of the sailing of the U States vessel the Non-Such from the Havanna to St Augustine, with Don Arredondo bearer of the order of the Captain General and Governor of Cuba to the Governor of East Florida for the delivery of the same - she could not have reached St Augustine before the 13 instant. She was to sail from the Havanna the day after the Hornet sailed from thence to Pensacola and the Hornet only arrived on the evening of the 9th instant, since which I have not lost a moment in preparation for the possession of the country ceded. I would have been in possession by this time had it not have been for the unfortunate loss of one of our Transports, and the unfavorable weather which has detained the vessel since chartered at Orleans and the transport sent for the garrison of St Marks: as soon as they arrive possession will be had. — I hope my two letters by mail have reached you - they will have advised you of the causes and reasons, why I did not communicate to you by express at a more early day than the present.

The want of a vessel to transport Col Gadsden has detained him some time to my great regret — He will give you a copy of my commission authorising me to take possession of the country ceded, with the powers to appoint others under me: this may become necessary, because of Col Forbes having been viewed by the Captain General, the Commissioner to receive East Florida, and from as

fear that Genl Gaines may not have committed the copy to you, which was furnished him. From Col Gadsden you will also receive <u>Blanks</u> signed by me to be filled with such sums or bills on the Department of State, as may be necessary to cover the expense of taking possession of that part of the country ceded — you will receive the Proclamations necessary to be made public on receiving possession of the country, which you will promulgate as soon as you receive the country, or if in possession as soon as you receive them. I send by Col Gadsden a form of a <u>Process verbal</u> which will be proper and necessary to be signed by the Commissary of Spain appointed to deliver the country, and yourself: to which it will be necessary to add after islands "including all the Tortugas"; that thereafter no dispute may arise with regard to the right to them — you will receive also the form of an agreement entered into preparatory to the delivery of the country, which if you receive in time will be well for you to adopt, that we may have all things uniform in this transaction.

In my last I informed you that some difficulty had arisen with respect to the Artillery appertaining to the Fortifications ceded — you will receive information of the course pursued by me here, and acceded to by the Governor of Pensacola, which it will be proper for you to adopt if Col Gadsden reaches you in time —

Finding that the President of the United States has appointed a Secretary for East as well as West Florida (as it appears from instructions) to aid me in the Government of the whole, and to keep up the same distinction which existed under the Spanish Government; I have thought proper by Commission to clothe Mr Worthington with all the powers exercised by the Governor of East Florida under the rule of Spain — Col Gadsden is the bearer of this commission and all the necessary instructions to him on this important subject: When you have received the Archives with the possession of the country and proclaimed the same, you will hand over to Mr Worthington the commission and instructions with the Archives taking his receipt for the same; and charge him with the administration of the Government as confided to him by me — Having performed this with all the other duties confided to you by me — having settled all public accounts and taken duplicate receipts for the same; you will repair to Pensacola in the vessel that carries Col Gadsden to you, or by land, and make a report to me of all the matters and things over which you have had charge; that agreeably to my instructions I may make

a —

a report to my Government, and close all accounts that have accrued in taking possession of and occupying the Floridas —

I am with great respect your Most
Obt servant
(Signed) Andrew Jackson

note, A few lines relative to Col Butlers furlough, and the situation of his and Genl Js family are not inserted, as they relate not to Col B's instructions or the occupancy of E Florida

Col Robert Butler
Provisional Commissioner
East Florida

General Jackson to His Excellency Don Jose Callava

Mannels 15 miles from Pensacola
29th June 1821

Sir

I have to acknowledge the receipt of your three notes of the 28th ~~inst~~ inst relating to the despatches from the Capt General of the Island of Cuba, to the Governor of East Florida committed to the charge of Don Aloas.

Col Gadsden, (of which he has advised you) sails under my orders for St Augustine, in the U.S. Schooner Revenue on Sunday next. and will receive and take charge of any despatches you may wish to transmit to the Governor of East Florida.—

It would have afforded me pleasure to have offered Don Aloas, or any other Spanish messenger a passage to St Augustine on board the same Vessel but her Cabin is so limited, that the Captain is compelled to abandon his own births to accommodate Col Gadsden.

Respectfully
your Obt Servt
(Signed) Andrew Jackson

His Excellency
Don Jose Callava
Governor of West Florida

General Jackson to Gov. José Callava

Manuels 15 miles from Pensacola
29th June 1821

Sir

Your letter of the 28th inst with its enclosures has been received and after due consideration I hasten to reply to the same.

My letter of the 26th inst. in reply to yours of the 25th inst; among other articles approving the heading or prefa=
=ratory notice to be attached to the Inventory of Cannon Arms Ordnance Stores &c. was written and despatched by Col Gadsden some time before your note suggesting and requesting an alteration to be made in the same reached me. Not being able at the time to comprehend at the time, the necessity or propriety of the alteration requested, I wrote to Col Gadsden to consult with your Excellency on the same, which from your note of the 25th I found he had attended to—

I now enclose you a copy of the translation I have made from the Heading or prefatory notice, you wish attached to the Inventory, of Cannon, arms, and Ordnance Stores, as expressed in your note of the 28th inst, and which I approve. It will be necessary that the Inventory as well as heading &c be made out in English as well as Spanish before signed by us—

You will receive enclosed duplicates of the process Verbal made out in English, leaving a Column for the Spanish, which you will be good enough to have attached; the English will be signed first by me and the Spanish by you, with an interchange of sig=
=natures to each— This instrument is substantially the same as that sent me in yours of the 28th inst, and will consi=
=quently meet with your approbation. I have charged Maj Staunton of the Quartermasters Department with the commission of examining with any officer appointed by you the inventory of Artillery, Ordnance Stores &c to be left in my possession conformably to the arrange=
=ments concluded between us.

Capt. R K Call my Secretary and Aid-de-Camp

Doct. J. C Bronaugh & Judge H. M. Brackenridge have likewise been appointed by me, to meet the like number of individuals nominated on your part, to examine and compare the inven=tory of archives, public papers &c with the documents certifying to their correctness, as well as to certify to the Inventory of Public Edifices &c as exhibited by you.

I have thought it advisable to make these appointments so that the necessary papers connected with the delivery of the Province of West Florida to me, may all be prepared for Signature by the arrival of the Troops from St Marks and the expected transport from New Orleans.

His Excellency
Don Jose Callava
Govr West Florida

With Sentiments of respect
I am &c &c
(Signed) Andrew Jackson

15 Miles from Pensacola
June 29th 1821.

Sir

I have this day drawn on you in favor of Col. James Gadsden, duplicate Bill, numbered Two, for Four Thousand Seven Hundred and twenty Dollars which will be honored on being presented.

By reference to my letter to you of the 8th. Inst. from Montpelier, I find that I erroneously advised you of my Bill in favor of Mr. Gilbert L. Thompson, for Seven Hundred Dollars, being dated the 1st. Inst. — That Bill drawn in triplicate was dated the 29th May — and that with the one of which I now advise you are the only Bills as yet drawn by me on the State Department

Y. Mo. Ob. Hum. St.

(Signed) Andrew Jackson

The Honble.
J. Q. Adams
Secy. of State

Manuels 15 Miles from Pensacola
29 June 1821

Sir

I arrived here on the 15th Inst. since which I have been employed in making the necessary arrangements for receiving possession of West Florida &c. and have the honor to inform you that every thing is now in readiness but a vessel to supply the place of the Transport Cora which was chartered by Major Stanton at New Orleans and unfortunately lost off the Balize in a heavy Gale on her way to Pensacola, another Transport could only be procured at New Orleans, and it was confidently expected the Quarter Master Genl stationed at that place, would have chartered another vessel and dispatched her here immediately upon hearing of the loss of the Cora but this responsibility it appears he did not think proper to assume, altho' he must have received information of her loss, shortly after the accident, and no step was taken to supply another, until the arrival of Major Stanton's express, who was dispatched to Orleans the instant that a vessel could be procured to transport him, after the information of her loss reached Pensacola. The winds have been unfavourable, but the arrival of the Transport I think will not be delayed more than a day or two and immediately after I shall receive possession as I have the pledge of the Governor, that in four days or six at farthest after the arrival of the Transport he will deliver formally the keys of Pensacola to me.

Some difficulty was likely to have occurred in relation to the Artillery appertaining to the Fortifications, The Governor contended that he had the right to take them away, as they were not specifically ceded under the 2nd Article of the Treaty. I claimed them as being included under the term "Fortifications," and urged that it might be considered a violation of the treaty, if an attempt should be made to strip the Fortifications of their means of defence and instanced the case of a vessel of War transferred from one nation to another which might as well be striped of her armament by the party disposing of her, as to remove from a Fortification, the Guns mounted for its defence which would entirely change its character and render it a mere Edifice, He however at length agreed that an inventory should be taken of Ordnance Stores &c. and the subject be referred to our respective Governments, they remaining in possession of the officers of the United States until the question should be decided — Immediately upon claim being set up to the Ordnance and a receipt demanded for it as a deposit I demanded a receipt for the provisions, and likewise for the Transportation which would be furnished for the Civil officers and families of officers, which were not specifically enumerated under the 7th Article of the treaty this also has been agreed to, and is to be referred in like manner to our Governments — So soon as I receive possession of the Country I will submit to you all the Correspondence which has taken place on this subject and also a full report of all my proceedings adopted in relation to the occupation of the Florida's

In Justice to Major Stanlon I must add that no blame can properly be attached to him for the loss of the Transport Cora, he having used every necessary precaution to ascertain that she was sea worthy as he had been ordered by me to employ no vessel unless he was satisfied she was such, his report together with certificates which fully prove that he faithfully performed his duty shall be furnished you,

The unlooked for delay of the Hornet in the first place - The extraordinary occurrence of Don Alna bringing with him to Pensacola a dispatch to the Governor of East Florida, which the Governor of West Florida yesterday assured me was from

the Captain Genl. of Cuba and relates to the delivery of East Florida, where the U States vessel transport at the request of Col. Forbes was ordered from Havanna direct to St. Augustine together with the delay which has necessarily been occasioned by the loss of the Transport Cara, will add to our expense in obtaining possession of the Florida's and to prevent any further delay from the circumstance of Law clerk having brought to this place dispatches for the Governor at St. Augustine and to ensure immediate possession Col. Gadsden will sail tomorrow morning in the U States Schooner Revenge which fortunately touched on yesterday at Pensacola taking with him the necessary orders to Col. Butler and offering to carry the dispatch to the Governor of East Florida

I was fortunate enough to obtain from Colonel Gadsden the sum of $ 4720 for which I have given him duplicate drafts as per letter of advice

I have had much writing in answering the letters of the Governor of Pensacola which has engrossed all my time and given great labor to my translators.

I have the honor to be Sir
with g^t. respect
Your mo. ob. S^t.
(Signed) Andrew Jackson

The Honble.
John Quincy Adams
Secty of State

Manuels 15 Mile from Pensacola
July 1st 1821 —

Sir

I have rec^d. your confidential note, and in the same spirit of friendship & frankness will give you the reasons for the mode adopted in preparing the Process verbal. On referring to the Treaty you will find that it was first signed by our Minister in English and then by the Minister of H. C. M. another copy in the Spanish language was signed in the same way. Having had reference to the Process verbal of the delivery of Louis:ana to the U. States, I find the same thing was done on that occasion. It was from this document I copied the form sent you, and my intention was to have the do:cuments to be sent to my Government prepared in conformi:ty to it, and in accordance with the Treaty. The Process

verbal, is the evidence of the title of the United States, while my signature merely proves that H. C. M. has duly fulfilled his part of the Treaty. But in order to obviate any objection, two of these documents can be made each way; that is, two with the English in the left column to be signed first by me, and two with the Spanish occupying the same column, and signed first by you, for your own. I assure you I should be sorry to induce you to do any thing which may subject you to censure. Judge Brackenridge is possessed of my views and opinions on the subject, in case any further explanation should be necessary. he is also directed to unite with your Secretary to prepare the documents in a suitable manner to receive our signatures.

I am Vr respectfully

Vr Mo Obt Servt

His Excellency

Don José Callava

(Signed) Andrew Jackson

Governor & Commandant of

West Florida &c. &c. &c.

Manuels 1st July 1821.

Sir,

Your letter of the 30th Ulto containing your reply and assent to the agreement proposed by me, has been duly received. I have also noted the ceremony of changing the flags, as proposed by you, and which appears to be as follows: "a picket of Spanish troops consisting of an officer and twenty men formed at supported arms, to right in front of the flag staff: the troops of the U.S. to form in front of the Spanish picket, the flag staff between them, on which there are to be two halyards and the Spanish flag hoisted: the flag of the U.S. to be hoisted half mast, and that of Spain at the same time to be lowered, but to be detained at the same elevation; each of the flags continuing thus, until a

a salute of twenty one guns shall be fired, on which the flag of the U.S. to go up, and that of Spain to come down, to be taken care of by the Officer of the Picket, who is to embark with it, withdrawing his troops."

It is understood, that the above salute is to be fired by the Spanish garrison. The foregoing is agreed to as expressed, with the following addition. As soon as the last gun shall be fired, the American flag to go up, and that of Spain to come down; on which the American and Spanish troops shall all salute each other by presenting arms, and continue at a present, until the Spanish Officer shall deliver to the Officer of the U.S. your Excellency's order for the delivery of the fortification Barrancas; after which, the troops to come to a shoulder, those of Spain to withdraw with their flag, those of the U.S. remaining in possession of the fortification.

I have to request your Excellency to inform me of the grade of the Officer that will be in command of the Picket. Messrs Call, Bronaugh, and Brackenridge, will be ready tomorrow to enter on the duties devolved on them, in conjunction with the persons your Excellency shall be pleased to appoint.

I am, Sir, very respectfully,

Your most obed.t Serv.t

(signed) Andrew Jackson

Commissioner &c &c —

His Excellency,
Don Jose Callava,
Governor and Command.t
of West Florida &c —

General Jackson to Don José Callava; Manuels, 3.d July

Sir, I have the honour to communicate to you that on last evening Major Stanton reported to me the arrival of the Ship Lucy Ann, chartered by him under my order, to aid in transporting the Spanish Officers and troops to the Havana, in conformity with the 2.nd article of the late Treaty with Spain. This ship was chartered in the room of

the ship Cora, which was unfortunately lost in a gale. The Lucy Ann &c. is reported to be a fine vessel, new and staunch. Major Staunton has (as you have been already advised) my orders to superintend on my part the necessary arrangements preparatory to embarking the Officers and troops of H. C. Majesty, with their baggage, and the supply of provisions. The Transport with the garrison of St Mark's must arrive very soon, if not already in port, and I trust that no delay will take place in putting on board the Transports, now ready, the baggage of the officers and troops, making every necessary arrangement, so that, on the arrival of the Garrison of St Mark's, possession of the Country will be surrendered forthwith, and the Transports with their convoy immediately set sail. The Govt of the U. S. is now paying a heavy demurrage, and I have the utmost confidence in your pledge that no unnecessary delay will be permitted on your part after the arrival of the Transports, and that it will afford you, as it will me, much satisfaction to have the Troops of both Nations in comfortable quarters before the boisterous and sickly season commences.

I am, Sir, with great consideration and respect,

Your Excellency's most obt Servt

(signed) Andrew Jackson,
Commissioner, &c.

H. E. Dn José Callava,
Ex. Comt W. Florida, &c. &c.

General Jackson to Don Jose Callava

Manuels 5th July 1821

Sir

I have the pleasure to acknowledge the receipt of your two notes under cover of the 3d Inst. and am much gratified to find that after making yourself fully acquainted with the contents of my communication of the 1st Ult. ~~you have~~ you have approved the same, and that the four documents as specified will be made out and revised by Judge Brackenridge.

I am also much pleased to be informed by you that the addition proposed by me relative to the ceremony of changing flags at Barrancas is approved and that your Picquet will be commanded by a Lieutenant.

I have also the honor to acknowledge the receipt of

of Your Excellency's Letter of the 4th in reply to mine of the 3d. Inst. the assurance you have given of your disposition to act promptly in the delivery of West Florida and its dependencies is perfectly satisfactory. I am well convinced that every thing in your power will be done to facilitate the embarkation of the Spanish Garrison and the delivery of the ceded Territory.

I am advised by Maj Staunton that the weather has been so inclement that the Lucy Ann has not been discharged of her cargo or the Field Artillery put on board the Transports. I hope for better weather and a speedy return of the Vessels from St Marks

His Excel
Don Jose Callava
Gov & Comdt of West Fla

I am Sir with great respect
your Obt Svt
(Signed) Andrew Jackson

General Jackson to Governor Callava

Manuels July 9th 1821

Sir

I have the honour to inform you that I have this moment received the report of Maj Staunton advising me of the arrival of the Transports at Pensacola with the Garrison of St Marks. nothing now remains to complete the duties assigned us by our respective Governments, but that a day should be named by you for the delivery of the Country to me, as agreed upon by in our correspondence on this subject. I have only to remark that the earliest period which will suit your convenience will be most agreeable to me as the expence of demurrage on the Vessels and the transportation of Provision for the our

Troops

Troops at this place is at present considerable, and the season fast approaching when the passage of your Troops to Havanna will be more hazardous and disagreeable.

I have therefore to request that your Excellency will in reply to this note appoint the day and hour that it will be convenient for you to make the formal delivery of West Floridas with the Fortress of St Marks and its dependencies, in the manner and form agreed on by your Excellency and myself.

I have the honor to be
Yours &c
(Signed) Andrew Jackson

His Excellency
Don José Callava

Manuels 15 miles north of Pensacola
July 10th 1821

Sir

Your letter of the 27 ult, is this moment received, accompanied with the receipts, for the Fort of St Marks and the Ordnance Stores appertaining to the Same — They Transport Vessels were detained on their return by adverse winds they anchored at the Barancas on yesterday.

I have this moment ordered that the Shields be forthwith unloaded, prepared and ordered to Sail for Fort Gadsden to Transport the Ordnance and Stores, all Public property, and the Garrison now there, and that Fort Gadsden be evacuated — The Sec. of War by his letter to me of the 22nd March, Says that Fort Gadsden is to be evacuated; and its Garrison is to occupy St Marks." Therefore the Garrison is not to be relieved but the Fort evacuated and all Public Property to be transferred to St Marks —

The prompt manner in which you have executed my order for the possession and occupation of St Marks, meets and receives my full and entire approbation with my best wishes for your welfare and happiness, I am Sir with great Respect
Your Mo Ob. Servt
(Signed) Andrew Jackson

Major A. C. W. Fanning
Comd. St Marks

Manuels 15 Miles from Pensacola
July 10th 1821

Sir

By the order of the Sec. of War of the 22nd March last —

Fort Gadsden is to be evacuated; and its Garrison is to occupy St Marks, agreeable to the request of Major Fanning in his letter to me of the 27th ult. I have ordered the Shields to Fort Gadsden, on her arrival there, you will embark the ordnance and stores, with all Public property together with the Troops now there, evacuate the Post and sail direct to St Marks, on the arrival of the Shields there, it is expected she will be forthwith unloaded and ordered for Pensacola: Should the Troops ordered to be marched from the Seventh Regt of U S Infantry to be attached to the 4th Regt Stationed at Pensacola have descended the Apalachacola, the Shields on her return will take them on board and transport them to Pensacola but unless this Detachment is positively heard from and will be at the mouth of that river at a certain day, the Shields is not to be detained for them

I am Sir very respectfully
Yr. Mo. Ob. St.
(Signed) Andrew Jackson

The officer Comg
at Ft Gadsden

Montpelier July 10th 1821

Sir

I am this moment in receipt of Major Fanning's report of the 27th Inst. from which it becomes necessary that a vessel should be forthwith sent to Fort Gadsden, to transport the ordnance Stores, Public property and Garrison now there, consisting of thirty odd men, that the Post at Fort Gadsden may be evacuated agreeable to the order of the Sec. of War dated 22nd March last.

On the receipt of this you will order the Shields to be forthwith put in readiness and ordered to Fort Gadsden, you will charge the Captain with the delivery of the enclosed order to the Comm. officer of that Post on his arrival as well as the letter addressed to Major Fanning it is important that the Shields should reach Fort Gadsden as early as possible and return to Pensacola as soon as she has performed this service, you will give such orders for the safety of the Public property appertaining to your Department as you may deem advisable

I am Sir with great respect
Yr. Mo. Ob. St.
(Signed) Andrew Jackson

Major Stanton
Qr. Master

 Head Quarters, Manuels 10th July 1821

Orders,

The 4th Regt of Infantry and the company of Artillery, under the command of Col. George M. Brooke, will take up the line of march on the morning of the 11th instant and proceed to Galvez spring in the vicinity of Pensacola, where they will be encamped and held in readiness for the occupation of Pensacola and Barancas in a moments warning.

No soldier will be permitted to enter Pensacola unless in company with a commissioned officer — order and sobriety must be observed by the soldiery — the smallest deviation from the rules of discipline and subordination will receive the most exemplary punishment: but the Governor flatters himself that the American soldiers will not degrade themselves and their country, either by intoxication or any other irregularity of deportment, whilst taking possession of the ceded Territory.

Col. Brooke will detail and organise the Garrisons intended for Pensacola and Barancas, the former to consist of not less than four companies of Infantry. the ~~former to [illegible]~~ officer detailed for the command and taking possession of Barancas, will hold in readiness twenty select men commanded by a confidential Subaltern to relieve the Spanish troops of equal number at Barancas, when the following ceremonies will be observed. — At a certain hour hereafter to be made known this detachment will enter the fortress of Barancas, where it will find a Spanish guard of one Lieutenant and Twenty men formed at supported arms fronting the Flag staff — the United States troops will form in front of them with the Flag staff between them — the Spanish Flag being hoisted, the American Flag will be fastened to the same hal-yards — the American Flag will then ascend and the Spanish Flag descend, until meeting at half mast — they will remain in that position until a Spanish salute of twenty-one Guns is fired. So soon as the last gun is fired, the American Flag will ascend to the top of the mast, and the ~~the~~ Spanish Flag will be taken down by the Spanish officer - The American and Spanish Troops will then salute each other by Spanish presenting arms, and continue at a present until the Spanish officer delivers to the officer of the U. States

the order of Don Jose Callava the Spanish commandant for the delivery of the fortress of Barrancas, at which the troops will be ordered to shoulder arms – the Spanish troops are to withdraw, and those of the U States to remain in possession of the fortifications, and will be prepared to salute their flag with twenty-five rounds from the Guns in Battery in said fortification.

Until the foregoing ceremony is concluded the ballance of the american troops will remain without the Fortification, but to enter as soon as it is concluded –

Col Brooke will hold the detachment at Pensacola in readiness to hoist the american flag on hearing the last gun of the Spanish salute at Barancas, and so soon as the process verbal for the delivery of the country is signed, the american flag in Pensacola will be hoisted, and after half mast high, going up, will be saluted with 25 Guns —

(signd.) Andrew Jackson
Governor of the Floridas

Manuels July 12th 1821

Sir,

Late last night I received your Excellency's letter of the 11th dated at 7 in the evening. I had duly received yours of the 10th instant, and considering its tenor and your former pledge, that in four days, or six, at furthest, after the arrival of the transports, you would deliver possession of West Florida and its dependencies: It was with great surprise and astonishment, that I read in your letter of the 11th instant the following paragraph; "From all this I conclude that on Monday or Tuesday "the 16th or 17th instant, I can deliver the province of West Florida to your "Excellency in the place already designated at 10, O'clock A, M. On Saturday "the 14th. I will determine for your Excellency whether the delivery is to be on "Monday or Tuesday"! –

At eleven O'clock A. M, on the 9th inst, the transports with the Garrison of St Marks arrived in the bay of Pensacola & were reported to me, and on the same day the 9th inst, I reported the same to you and in the last paragraph of my letter requested ~~that~~ you would name a day and hour for the delivery of possession of the Province. In your answer to this letter on the 10th inst. you say, "Your excellency may rest assured

that now in the shortest possible time, this province shall be delivered to you, and that tomorrow I will appoint the day according to what I have said to you." In your letter of the 11th inst., you say on the 14th, you will determine whether the delivery shall be made on Monday or Tuesday. I am constrained to say that this is not the candour and promptness, I had a right to expect from your Excellencie's former pledges, "that in four, or six days at furthest, after the arrival of the Transports the Province of West Florida should be delivered to me": nor is it in accordance with that frankness which I had a right to look for, from your letter of the 10th inst.; the transports (being the last) bringing the garrison of St Marks arrived at 11 o'clock A. M. of the 9th inst. – the whole time agreeably to your promise of four or six days, in which the Province shall be delivered to me; will have elapsed at 11 o'clock A. M. of the 15th inst.

I have used the utmost frankness with your Excellency in all our correspondence – It becomes me now to speak with the same frankness. My government had the most positive assurance from the King your Master, through his minister at Washington, that no unnecessary delay should take place in the delivery of the Floridas. Notwithstanding this, the Hornet was detained at the Havanna upwards of one month – she arrived – I have your pledge that within four or six days at furthest, after the arrival of the transports, possession should be delivered. On Sunday the 15th at 11 o'clock A. M. this time expires, and I shall expect the pledge given by you to be exactly performed. I have on a former occasion informed you of the great expense and inconvenience the U States have encountered by the unlooked for delay already experienced; that we are paying heavy demurage on our transports, which cannot be permitted any longer: I therefore consider it my duty explicitly to state to you, that unless your troops are embarked within the time for which I hold your pledge, the transports will be immediately after discharged from the service of the United States, unless a tender in money be made, of the daily demurage on the two transports, on which they shall be detained two days and no longer.

The subject of the rations has long since been put to rest. Every thing was offered and done on my part for your accommodation, and as it concerns the ration I have your approbation of the whole – and Maj. Stanton has reported to me the full and entire satisfaction

on your part. The subject with me is closed. Yesterday Majr Stanton reported to me that every thing on his part was complied with and ready, except the Inventory of the Ordnance, which was to be made out by your officer, that he went on the 10th inst to the Barancas for the purpose of completing the same, but found that your officers had made out no inventory by which he could compare the Ordnance, or ordnance stores, that this was postponed until the inventory should be made, and that on his part he is ready at any moment to complete the business.

I have no powers to treat about deserters; All American deserters have been disgracefully discharged — there are no deserters of yours in my Camp, it is contrary to law to enlist them. No American citizen will be permitted to embark with the Spanish Troops on board the Transports. — I hope, Sir, as harmony has accompanied us thus far in the performance of our respective duties, that it may continue to exist between us to the close of our Official transactions, and that you will with that promptness which characterises the soldier, and agreeably to your letter of the 10th inst. on the receipt of this name a day and hour "within the four or six days, at furthest, after the arrival of the transports", on which you will deliver possession of West Florida and its dependencies. I had hoped after receiving yours of the 10th, that instead of a long letter, nothing more could have been necessary on my part, but a mere acknowledgement of the receipt of yours of the 11th inst. Relying with full confidence on your pledge, I yesterday moved my troops to Galvez Springs, to be in readiness to take possession of Pensacola and the Barancas, where on this day I shall join them — at that place we will remain until I shall receive your answer ——

I am Sir, with great respect, Your Excellencies

Most Obdt & Humble Servant

(Signd) Andrew Jackson

His Excel.

Don Jose Callava

Col Commandt. &

Governor of Pensacola

Galvez Springs 13th July 1821.

Sir,

I have this evening, received your Excellency's letter of to-day, in answer to mine of the 12th instant. I heartily join with you, in wishing that there may be an end of these unpleasant discussions. Nothing is more sincerely desired by me, than an amicable and harmonious termination of the Commission respectively entrusted to us.

Your Excellency tells me, that you have been a soldier from your cradle; such has also been my lot, and I have never failed, Sir, to comply with my promise. It was from my knowledge of your being a soldier, that I looked for that frankness which appertains to the character of a soldier, and it was this which occasioned my surprise, on finding, that notwithstanding your Excellency's promise, often alluded to, and your express declaration in your letter of the 10th that on the day following, a day should be named for the delivery of the Province, instead of doing so, Your Excellency's letter of the 11th informed me, that on Saturday the 14th, one of two days, (both beyond the time understood as the latest) would be fixed upon. This was a mode of proceeding which I could not understand. Had your Excellency thought proper to say to me, that from unexpected difficulties, from causes over which human power could have no control, had your Excellency stated to me, one of the reasons urged in your letter of to-day, I should have felt myself as much bound by a spirit of liberality to acquiesce, as under other circumstances to insist on a fulfilment of your Excellency's pledge.

Since, however, Your Excellency, has been pleased to name a day, positively, and unconditionally; to wit, on Tuesday the 17th inst, at ten O'clock, A.M., at the government house of Pensacola, for the delivery of the Province, I am satisfied, and waive the demand of demurrage on the vessels, and which would not have been made, had not your Excellency's letter of the 11th, in opinion, deviated from the course I had a right to expect from your Excellency.

With respect to the exertions your Excellency has made for the speedy delivery of the Province, and the promptitude displayed in our intercourse, I have never called them in question; on the contrary, on several occasions, I have borne testimony to them, until the unpleasant difference arose between us, and which I hope is now satisfactorily settled.

In justice to Major Stanton, I must state to your Excellency that agreeably to my instructions, and his report to me, every thing has been done, over and above the liberal construction given to the treaty by the President, conducive to the comfort of the troops. I am informed that the flour was delivered more than fifteen days ago, in order that it might be prepared in such manner as your Excellency should think proper and which met your Excellency's approbation. The transports, I am assured by those on whom I place the most implicit reliance, are fitted up with a degree of care and attention unexampled. There is no doubt, that were they to remain a month longer, something might still be thought of to

to encrease their convoys. They have been reported to me ready, and not only so, but much superior in every respect, to what on ordinary occasions, would be considered sufficient by the United States for the transportation of their troops. I think it unnecessary to add any thing on this subject, and should not have alluded to it, but for the sake of the officer who is in some measure implicated by your Excellency.

I am with sentiments of sincere respect,
Your most obed.t Serv.t

(Signed) Andrew Jackson
Commissioner &c. &c. —

His Excellency
Don Jose Callava, Col
Command.t and Commiss.r
for the delivery of West Florida —

Galvez Springs July 13th 1821.

Sir,

Your second note of the 13th instant has also been received. I had hoped that the subject of which it treats, had been well understood, and also put to rest sometime since by my letter of the 23d ult. I stated to you in positive terms, "that I was instructed by the President of the United States, to insist that the cannon belonging to the fortifications be left on them, and to protest most solemnly against their removal, as an act on your Excellency's own responsibility, contrary to, and in violation of the second article of the treaty". "That an inventory of the cannon, munitions of war, &c &c, belonging to the fortifications, and signed by the proper officer authorised to do so, with a remark that the said cannon, ordinance, &c &c, belonging to the fortifications were claimed by you, but left in my possession, subject to any future disposition which might be made of them by our respective governments."

In your letter of the 25th of June you acknowledge our understanding on the subject to be the same. In your letter of the 28th of June, a caption, or heading of this inventory is prepared by you and approved by me in my letter of the 29th with this provision that the inventory as well as heading is to be made out in English as well as Spanish. From all this it is clear, that the cannon, and ordinance, and stores appertaining to the fortifications are to remain on them, and it

the fortifications to continue as they were at the time of the execution of the treaty, until the question of right be determined between our respective governments. From these facts which preclude mistakes, it follows, that when an inventory is taken, it must set forth what kind of cannon, and whether they good or not, whether fit, or unfit for service; that the fact may appear to our governments; if it be decided that the ordnance pass to the United States, under the term fortifications, as used, then the inventory will be useless; but should it be decided that Spain has a right to take them from the fortifications, it is important that each piece and its quality should be described, so that no discrepancy arise about their identity.

The notes made by Major Stanton are therefore proper, and should be subjoined to the inventory, both in English and Spanish made out and signed by your Excellency and myself. Major Stanton having made the remarks on the margin, an inventory can be made out in Spanish and English in two hours _ and ought to have been prepared long since. There is ample time now to prepare them, and I trust it will be done, that every thing may appear as it truly is, and that justice may be done in the case to ourselves and to our respective governments. The specification of the condition and quality is for your advantage, in case they should receive any injury in our hands, for certainly, it would be very singular, that they should remain on the fortifications and no use permitted to be made of them; such a proposition we could not receive, for until otherwise decided they must be considered by the U.S. as being appertaining to the fortifications.

With sentiments of respect
I am, your most obed^t S^t.

(Signed) Andrew Jackson,
Commissioner &c &c —

His Excellency
Don Jose Callava,
Col. Command^t. Govr.
of West Florida &
Commissioner &c &c —

Camp at Galvez Spring
10 o'clock, A.M. July 15th 1821

Sir,

I have the honor to acknowledge the receipt of your Excellencies two letters of the 14th inst, which only reached me this morning, and my translator being in Pensacola has detained until this time my answer. —

I am happy to find that our arduous duties are brought to a close to our mutual satisfaction, and in that spirit of amity so sincerely desired by me, and so desirable for

for the attainment of the object of the Treaty —

Your Excellency will accept my assurance, that if there should be any thing in my letters calculated to wound your feelings in the course of our correspondence; such was not my intention; and from the anxiety I have witnessed on the part of your Excellency for the discharge of your duties with fidelity to your King, I am confident you will make due allowance for the earnestness on my part to gratify the just expectations of my Government and country —

I remain Sir, with sentiments of friendship and great respect, Your Most Obt. Servant

(Signed) Andrew Jackson

His Excell,
Don Jose Callava
Governor of Pensacola, &c —

Galvez Spring July 15th 1821
half after 10 o'clock A.M.

Sir,

As it will require several hours to march the troops to the Barrancas which are destined for the occupation of that Post, I think it proper to inform Your Excellency that it will be necessary for us to enter Pensacola at an early hour on Tuesday morning. The troops intended to form the Garrison of Pensacola, will remain on the public Square until 10 o'clock, the hour appointed by your Excellency for the delivery of the Province, and those intended for the Barrancas will continue their march direct to that place.

I hope this arrangement will meet the approbation of your Excellency —

I am Sir, very Respectfully
Your Obt. Servt.
(Signed) Andrew Jackson

His Excellency,
Don Jose Callava
Governor of Pensacola &c —

120. Galvez Spring July 15th 1821.

Sir,

I have this moment, half after one O'clock P. M. received your Excellency's note of this date, and I regret extremely, that I had not received it before I had sent to you my letter of this day, in answer to your two letters of yesterday received as stated in my reply, so that a final close might have been made to the etiquette & extra, as it had been to the substantial part of the duties assigned to us by our respective governments.

I will barely bring to your Excellency's recollection, that the moment I was advised of the arrival of the Hornet, and being informed by you of your powers and orders, I entered the Floridas with a view to the fulfilment of the powers with which my government had intrusted me, and despatched my friend and one of my staff, Col Gadsden, to your Excellency with my letter of the 18th of June, in which I said to you," I have to express a wish that a period, as early as possible may be concluded on to our mutual convenience, when we may meet, exhibit our credentials, officially recognize each other, and enter on the duties of our respective commissions," and I might have added you as commissioner to deliver, and I as commissioner to receive the Province. Your Excellency in your letter of the 22d of June, after having had the interview with Col. Gadsden which produced his ~~Excellency~~ letter to your Excellency of the 18th of June, and after your letter to me of the 18th of June, your Excellency declined the interview proposed by me. Your note received at Manuels, the evening of my arrival, made known to me your indisposition, which with me was a sufficient appology, although a stranger, and my wish was to wave all unnecessary ceremony, and meet you with the feelings and promptness of a soldier, waving all etiquette due to me, as a stranger, and long rank, I was satisfied with your good wishes, as expressed, and of your desire to see me as soon as your health was restored. We have conducted the duties assigned us thus far in harmony without we having had the pleasure of seeing each other, or I one of your Officers; my staff, and officers, have been instructed to shew to you, all the respect due to your rank and situation, and I know them from long experience, never to fail in the execution of my orders, or to be wanting in the respect due to others.

I have therefore to remark, as we have happily and harmoniously brought our duties to a close, and not being a slave to ceremony, I will meet your Excellency on the stairs of the government house at 10 O'clock A. M. on tuesday the 17th instant, and when conducted into the Hall, I shall take any side of it opposite your Excellency, and fronting you, that your Excellency may think proper, on which my commission shall be

read as authorising me to take possession of the Floridas, and present your Excellency with a certified copy of the same, your Excellency will have the royal order read, after this we proceed to sign the various documents prepared for our signatures, on which your Excellency will deliver the keys of the town according to what is set forth in the Proces verbal there to be read and signed.

I will have two guards of thirty men each, according to your Excellency's suggestion, detailed for the purpose of relieving your Excellency's guard, and that of the city.

I am, Sir, with great respect,
Your most Obed^t. Servt.
(Signed) Andrew Jackson
Commissioner &c &c —

P.S. On the 17th orders will be given to the Captn. of the Hornet to take charge of the transports, to sail on the 18th wind and weather permitting —
A. J.

His Excellency,
Don Jose Callava.
Col. Command^t. &c
Commissioner —

Camp Galvez Spring
half past 2 O'clock P.M. July 16th 1821

Sir,

I have this moment received your Excellency's letter of this date — I have not time to respond to it fully — let it suffice, that I do not speak the Spanish language, nor (as I am informed) does your Excellency speak the English; but I am persuaded, that the misunderstanding must have existed from the want of a proper interpretation of our real thoughts as expressed in our correspondence. — Let me assure you; long since I should have met you with pleasure in Pensacola, had I not conceived, that it was not your wish — Your letter received at Manuels informing me of your indisposition, determined me to visit you without ceremony in the feelings of the frankness of a soldier and harmony; but your letter of the 19th of June (as translated) altered my determination — for although without ceremony with a soldier,

and as I was told you were ill; yet when I was induced to believe that an undue condescension was expected, I was compelled to the course which I have pursued — My feelings as a soldier, I suppose, correspond with your's — death before an undue condescen-sion — it is what I ask of no one — it is what I will not render to any.

It will afford me great pleasure to meet you in my camp, I am without a horse, or I should meet and conduct you, but I send my nephew, Lt A J Donelson of the Corps of Engineers and my Aid de Camp, to conduct you to the camp, where you will meet with a cordial welcome, and where I shall be glad to see you should the weather permit, but be assured, I have no wish that you should expose your health if the weather should prove inclem-ent; in this event, I will be in Pensacola early to morrow morning to breakfast with Mrs Jackson, whom our unfortunate misunder-standing has prevented me from visiting, since she has been in Pensacola — Should I not see you this evening from the inclemency of the weather, will you, with the frankness and friend-ship of a soldier, breakfast with Mrs J. and myself tomorrow morning at half after six or seven, when I shall have the pleasure of introducing you to my officers, who know well how to ap-preciate a soldiers merit, and all who have known you appreci-ate you as such — You will have the goodness to inform me through my nephew, whether or not you will breakfast with me on tomorrow at the appointed time, should you not meet me this evening in camp.

Should we not meet each other before 10, o'clock tomorrow on the stair case, I shall then take you by the hand as a soldier and friend, and I am certain after further acquaintance we will know how to appreciate each other —

I am Sir, with great respect
Y. Excellency's mo. obt servant
(Signed), Andrew Jackson

His Excellency
Don Jose Callava
Governor of Pensacola &c —

Genl. Jackson to the Honble. Secrety. of State. 123

Pensacola, July 17th. 1821.

Sir,

Mine of the 29th June advised you of the occurrences to that date. I have now to inform you that at ten o'clock of this day, the Province of West Florida with its dependencies, &c. was delivered to me in due form by Don José Callava, the Commissioner on the part of the King of Spain.

I shall take the earliest opportunity to communicate the circumstances preceding and attending the surrender; suffice it to say, for the present, that it was accomplished in the most friendly and harmonious manner, although at one moment, from a misapprehension on both sides, I did not flatter myself with so happy an issue.

Some ordinances for the better government of the Town & Province, and in fact which are absolutely necessary, have been prepared. Copies of these, as well as a report of my whole proceedings as commissioner for taking possession of Florida, will be forwarded to you as soon as possible. I am satisfied they will be found strictly within the powers with which I am clothed by the President. None of the officers appointed by the President for this Province have yet joined me; whether any of those appointed for East Florida have arrived I am not certainly informed.

I remain, with great respect,

Your most obt. Servt.

(Signed) Andrew Jackson.

The Honble.
John Quincy Adams.

Genl. Jackson to the Secrety. of State.

Pensacola, 18th July, 1821.

Sir,

I have the honour to enclose you the Process Verbal, having retained the Duplicate.

Very respectfully, Your most obt. Servt.

(Signed) Andrew Jackson.

The Honble.
John Quincy Adams.

Genl. Jackson to Secy. of State.

Pensacola, July 16th. 1821

Sir,

I have this day drawn on you in favor of Major Henry Stanton, Quarter-master of the United States Army for Four thousand, Six hundred & twenty dollars by two Drafts: the one for Two Thousand five hundred and seventy dollars - the other, for Two thousand and fifty dollars: for which I herewith transmit you his receipts. These drafts are for the payment of the Transports chartered by Maj: Stanton, conformably to my orders, for the transportation of the Spanish Troops, stores, and baggage from this place to the Havannah.

I am, most respectfully,

Sir, Your obt. Servt.

(Signed) Andrew Jackson.

The Honble.
John Quincy Adams,
Secretary of State,
Washington.

Pensacola July 16th 1821

Sir,

The masters of the transport ships Ann Maria and Lucy Ann have been ordered by Majr Staunton to report to you; and to receive and obey such orders and instructions as you may think proper to give them, for their Government during their passage from this port to the Havanna —

As soon as the Spanish Troops together with their baggage and stores are embarked on board the transports, you are desired to take them under your protection; and convey them to the Havanna: where they are to be discharged — You will confer a favor by transacting the business of discharging them from the service of the U States, in the manner suggested by Majr Staunton

I am Sir, very respectfully
Yr Mo Obt Servant
(Signed) Andrew Jackson

Capt G C Reid
Commander of the United States
Sloop of War Hornet —

By Major General ~~[illegible]~~ ~~Andrew~~ Jackson Governor of the Provinces of the Floridas exercising the powers of the Captn General and of the Intendant of the Island of Cuba, over the said Provinces, and of the Governors of said Provinces, respectively.

That with a view to the preservation of the good order and health of the town of Pensacola; I do ordain,

Sectn 1st, that there shall be appointed by the Governor annually, a Chief officer to be called the Mayor, and six subordinate Officers to be called Aldermen, who shall form a Council and have and exercise all the powers necessary to the good Government of the said Town —

Sectn 2nd That the said Mayor and Council shall have power by ordinance or otherwise to impose fines and forfeitures for the infraction of their regulations, and appoint such officers as they may deem necessary to enforce their ordinances, and to levy such taxes as may be necessary for the support of their Town Government.

Sectn 3d, As the christian Sabbath is observed throughout the civilized world, it is ordained, that in order to remove

any doubts which might be entertained with respect to the powers of the Mayor and council on this subject, that the said Mayor and Council are they be authorised to make any regulation for the due observance thereof which they may deem proper.

Sect. 4th In order to remove all doubts on the subject of the limits of the said Town of Pensacola and its dependencies, as well as to place under the immediate control of the Mayor and Council all the fountains or springs from which the inhabitants are supplied with water, it is ordained, that the incorporated limits of said Town, shall be as follows: bounded to the South and East by the Harbour, to the West by the Western Lagoon, or Bayou Chico, and to the North by a line running due East from Gal-ver's Spring to where such line will intersect the Eastern or Texar Lagoon —

Sect. 5th That Public Gaming Houses as well as Public Gaming of every description (billiards alone excepted) shall be and the same is hereby interdicted and prohibited under the penalty of Two Hundred Dollars for each conviction and the forfeiture of all the apparatus or Machinery used towards the commission of such offences, as well as all sums of money which may be seized by the Police officer or other person — one half to the use of the informer, and the other to the use of the town, and that each and every person so convicted shall be and stand committed to prison until the whole of said fine and costs be paid, and moreover untill he shall have found good and sufficient surety in the sum of Five hundred Dollars for his good behaviour for and during the term of one year.

Sect. 6th That the Mayor and Aldermen as is provided for in this ordinance shall be known and called the City Council of Pensacola, and in that name may acquire and dispose of Property for Public uses, and sue and be sued and plead and be impleaded on all subjects relating to, or connected with the said town and its dependencies

Sect. 7th That all innkeepers, grocers, and all other retailers of liquors, are by this ordinance expressly prohibited from furnishing, or selling any liquor or ardent spirits whatever to any soldier in the service of the United States of America, under the penalty of $19 for each offence, and to stand committed to the common jail until the said Penalty with costs are paid

Pensacola July 18th 1821 —

By the Governor

(Signed) Andrew Jackson

R. K. Call
Secretary of W. Florida

An Ordinance for the Preservation of Health in the city of Pensacola —

By Majr. General Andrew Jackson Governor of the Provinces of the Floridas, exercising the powers of the Capt. General, and of the Intendant of the Island of Cuba, over the said Provinces, and of the Governors of said Provinces respectively —

Sect.– 1st. That every Vessel arriving between the 1st day of June and the last day of October in each year, from any Port between the Equator and thirty-three degrees of North Latitude shall be brought to at the Barrancas, or at such other point as the Board of health may direct, and there perform a Quarantine of Seventy four hours at least, and as much longer as the Health-Officer at Barrancas, or such other point as the Board of health may direct, and the Board of Health may deem necessary, not to exceed Forty days.

Sect.– 2nd. That there shall be established a Lazarette at the Barrancas, or at such point as the Board of health may direct, for the accomodation of the sick under such regulations as the Board of health may from time to time establish; and that until the Government of the United States shall establish a public Ware House at such Lazarette, the cargoes, or such part thereof, as the Health Officer and Collector of the Port of Pensacola, may deem necessary, shall be stored under the direction of of the Commanding Officer of the Troops at Barrancas.

Sect.– 3rd. That the Quarantine limits shall be Cannon shot range or two miles in a direction towards the Harbour from Fort St. Carlos de Barrancas, or at such point as the Board of Health may direct, and that any person or persons belonging to or having had communication with any vessel or vessels under Quarantine, who shall pass those limits without permission first had and obtained from the Resident Physician or Health Officer, shall forfeit and pay the sum of not exceeding three Hundred Dollars, and be imprisoned in the common jail for a term not exceeding six months —

Sect.– 4th. That for the more effectually guarding against the introduction of Disease, there shall be established a Board of Health, which for the present shall consist of an officer to be appointed and called the Resident Physician, and the Mayor and Aldermen of Pensacola (over whom the Resident Physician shall preside); who are by this ordinance authorised to make, and from time to time alter,

such laws and regulations as they may deem necessary to ensure the health of the city —

Sect. 5th That there shall be a Health officer appointed and stationed at the Barrancas, or at such other point as the Board of health may direct, whose duty it shall be to board every vessel bound inwards, to see that the provisions of this ordinance, and all such regulations as the board of health may make, are strictly complied with, and to report from time to time as occasion may require, to the board of Health —

Sect. 6th That such allowances shall be made to the Resident Physician and Health officer (all their services included), as shall not exceed one Dollar and one half for each person on board of each vessel, to be regulated and determined by the Mayor of Pensacola who is authorised to receive from every vessel, the cargo of which it may become necessary to land and store, such other further sums as may be necessary to cover all expenses incident to the same.

Pensacola 19th July 1821 (signed), Andrew Jackson.

By the Governor

(signed), R K Call

act. Secretary of W. Florida

Commissions issued the 19th July 1821. for Pensacola

J. C. Bronaugh, Resident Physician
John B. H. Voorhees Health Officer — 21st July 1821.
H. M. Brackenridge Alcalde — & Notary. (17th)
George Bowie. Mayor —
William Barnet Esq. — Alderman —
Keyser Esq. — Do
~~Kolber~~ Esq. Do
~~James~~ C. Craig. Alguazil — or Town constable
Henry Michelet Esq. — Alderman.
~~Sinsbarity~~ (John) Esq. Alderman.
Brosnahan (John) Esq. Alderman.
David Wright, Branch Pilot.
Oliver Clark Harbour Master —
Luther Lincoln, Branch — Pilot.
Cowan to be Port warden —

Justices of Peace & Quorum.
David Shannon, President.
Wm Barnett, 1st Associate. ×
John Garnier, 2d Asso. —
Sebastian Caro, 3d Asso. — ×
José Noriega, 4th Asso. —

Justices of the Peace.
~~John~~ Foster Esq. ×
Simpson Esq.
~~Alex~~ Low Esq. B. Aitkin
Wilson Esq.
Manuel Gonzales Esq.
W. L. Hammond, Prosecuting Attorney
John Miller Esq. Clerk of the Cy Court

× note Col. Barnett & S. Caro has refused to accept the appointment of associate Justices, this 21 day of July 1821. A. J.
Mr Foster in the room of Barnett Mr Lowndes S. Caro —

Form of a commission as Issued to the Aldermen of the City of Pensacola — 1821 —

Major General Andrew Jackson Governor of the Provinces of the Floridas &c &c —

To William Barnet Esquire,

Reposing special trust and confidence in your patriotism abilities and integrity, I do nominate and appoint you to the office of Alderman in and for the city of Pensacola and its dependencies, giving and granting to you full and ample power to discharge all and singular the duties thereto belonging, as well as all the powers of a Justice of the peace in and for the said city, to have and to hold the said office during the pleasure of the Governor —

Given at Pensacola this 19th day of July 1821, and of the independence of the United States the Forty sixth —

By the Governor,
R. K. Call, acting
Sec. of West Florida —

(Signed) Andrew Jackson

By Major General Andrew Jackson Governor of the Provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the Island of Cuba, over the said Provinces, and of the Governors of the said Provinces respectively —

To H. M. Brackenridge, Greeting

Reposing special trust ~~and confidence~~ in your Patriotism, Abilities and integrity, I do nominate and appoint you to the office of Alcalde, in and for the ~~City~~ of Pensacola and its dependencies, and do require that by virtue of said Office you take into your charge and safe keeping all the archives and papers of whatever nature belonging to or in any wise relating to the Office aforesaid, and which now are in the custody of Louis de Grand Pré Alcalde, under the late Government, and that on the receipt of the same; you enter upon the duties of said Office, giving and granting as I do by these presents, to you the said H. M. Brackenridge, all the power and authority, privileges and emoluments thereto belonging, to have and to hold the ~~same~~ said Office during the pleasure of the Governor —

Given at Pensacola the 17th day of July 1821, and of the independence of the United States the forty sixth

By the Governor
(Signed) R. K. Call
act'g Sec'y W. Florida

Signed, Andrew Jackson

Major General Andrew Jackson Governor of the Provinces of the Floridas &c &c &c

To, George Bowie Esquire

Reposing special trust in your Patriotism, abilities and integrity I do nominate and appoint you to the office of Mayor in and for the city of Pensacola and its dependencies, giving and granting to you full and ample powers to discharge all and singular the duties thereto belonging, as well as all the powers of a Justice of the Peace in and for the said city, to Have and to Hold the same during the pleasure of the Governor

By the Governor
(Signed) R K Call
act^d Sec^y of W Florida

Given at Pensacola this 19th day of July 1821, and of the Independence of the U States of America the Forty Sixth
(Signed) Andrew Jackson

Pensacola July 19th 1821

Personally appeared before the above named George Bowie Esqr, and made oath that he would well and faithfully discharge the duties of the office of Mayor, to the best of his abilities

(Signed) H M. Brackenridge
Alcalde

Major General Andrew Jackson, Governor of the Provinces of the Floridas &c &c

To James C Craig

Reposing special trust in your patriotism, abilities and integrity, I do nominate and appoint you to the office of Alguazil, or High Constable for the city of Pensacola and its dependencies, giving and granting to you full and ample power, to serve all civil process issued by any Justice of the Peace, to apprehend all offenders against the laws and ordinances in force, or disturbers of the public peace, and to execute and perform all and singular the duties connected with the good order and police of the city which may be ordered and enjoined by the Mayor and City Council of the same, to Have and to Hold the said Office during the pleasure of the Governor

Given under my hand at

By the Governor

Signed, R. K. Call
Act^g Sec^y of W. Florida

Pensacola this 19th day of July 1821, and of the Independence of the U. S. of America the forty sixth

Signed, Andrew Jackson

Pensacola July 19th 1821—

Personally appeared before me the within named James C. Craig and made oath that he would well and faithfully discharge the duties of the Office of Alguazil or high constable of the Town of Pensacola

Signed, H. M. Brackenridge

Major General Andrew Jackson, Governor of the Provinces of the Floridas &c &c—

To James C. Bronough, M. D.

Reposing special trust in your patriotism, abilities as a Physician, and integrity, I do nominate and appoint you to the Office of Resident Physician in and for the Port of Pensacola and its dependencies, giving and granting to you full and ample powers to discharge all and singular the duties thereto belonging, agreeably to the ordinance for the health of the city of Pensacola dated July 19th 1821, and to Have and to Hold the said Office during the pleasure of the Governor—

Given at Pensacola this 19th day of July, A. D. 1821, and of the Independence of the U. States of America the forty sixth

Signed, Andrew Jackson

By the Governor

Signed, R. K. Call
Act^g Sec^y of W. Florida

Maj.r Gen.l Andrew Jackson, Governor of the Provinces of the Floridas, &c. &c.

To H. M. Brackenridge,

Reposing special trust and confidence in your Patriotism, abilities, and integrity, I do nominate and appoint you to the office of Notary in and for the city of Pensacola and its dependencies; giving and granting to you full and ample powers to discharge all and singular the duties thereto belonging, and to have and to hold the said office during the will of the Governor.

Given at Pensacola, this 17th day of July, 1821, and of the independence of the United States of America the Forty fifth.

(Signed) Andrew Jackson.

By the Governor,
(signed) R. K. Call, Act.g Sec.y of W. Florida.

Rates of Pilotage for the Port of Pensacola.

Pensacola, July 20th 1821.

I certify that by the Port-regulations adopted at the Ports of Charleston, Savannah, and New-Orleans, the following fees have been granted to Pilots at each of them; — which regulations govern at present the Port of Mobile, and shall also, for the future govern the Port of Pensacola; viz:

For every vessel arriving from Sea (Coasters excepted not exceeding thirty tons burthen) requiring a pilot, Two Dollars per foot for every foot such vessels may draw, and Two Dollars per day for every day that the Pilot may be detained on board on account of adverse winds or bad weather.

For every vessel arriving or departing (coasters as above-mentioned always excepted) and not requiring a Pilot, — half-rates in all instances.

For all extra aid afforded to vessels in distress, &c. &c. for all men, boats, &c. furnished by the Pilot in such cases, a suitable and reasonable charge shall be made and allowed; — if refused to be allowed, the Harbour-master to enforce the same. —

Consignees to be answerable, as well as owners, for charges of pilotage, such charges being first sworn to by the Pilot or his Deputy.

Andrew Jackson

By the Governor,
(Signed) R. K. Call,
Act.g Sec.y of W. Florida.

By Major General Andrew Jackson, Governor of the Provinces of the Floridas, &c. —

To all to whom these presents shall come, Greeting:

Know Ye, That placing special trust & confidence in the integrity, skill, and abilities of David Wright of the Town of Pensacola and Province of West Florida, I do appoint him a Branch Pilot in and for the Port of Pensacola, and do authorize and empower him to exercise the duties of that office according to the Laws and Usages which govern the Pilotage in the Ports of Orleans and Mobile. To have and to hold the said Office with all the Powers, Privileges and, Emoluments to the same of right appertaining, from the date hereof until it may be deemed proper to revoke and determine this commission; and for the faithful performance of his duties he has given the requisite Bond & Security.

Given at Pensacola this 20th day of July, 1821. (signed) Andrew Jackson.

By the Governor,
(Signed) R. K. Call
Act.g Sec.y of West Florida.

By His Excellency Andrew Jackson, Governor of &c &c

An ordinance prescribing the mode of carrying into effect the 6th Art. of the Treaty of Amity, settlement of differences and limits between the United States of America, and his Catholic Majesty.

Whereas by the Sixth article of the said Treaty it is, amongst other things provided that on the entrance of the ceded territories into the Union, the inhabitants thereof shall be admitted to the enjoyment of all the privileges, rights and immunities of the citizens of the United States," Now, therefore, as well with a view to guard against impositions that may be practised by foreigners, as to secure to the inhabitants their free choice to become citizens of the United States under the provisions of the said Treaty:

Sect. 1. I do ordain, that the Mayor of the City of Pensacola, and such other persons as may be appointed for the purpose in any Town or County of these Provinces, shall open a Register, and cause to be inscribed the name, age, and occupation, of every free male inhabitant of such Town or County, who may be desirous to profit by the Provisions of the Sixth Article of the Treaty as aforesaid in part recited, provided the person or inhabitant who may thus desire to have his name inscribed, shall first satisfy the Mayor, or such other persons, as may be appointed to open Registers, that he was really an inhabitant of the ceded territory on the 17th day of July, 1821, and provided also that he will of his own free will and accord, abjure all foreign allegiance, and take the Oath of allegiance prescribed by the laws of the United States.

§ 2d. That the said Office or Register shall continue open for and during the space of twelve months, when the same shall be closed, and a copy thereof transmitted under the seal of the said Mayor or other persons appointed to open Registers to the secretary of the said Territory

§ 3rd. That from and after the period that the said Register shall be closed, no other free male inhabitant above the age of twenty-one, and entitled to make his election as aforesaid, shall be, within the ceded territories entitled to any of the rights, privileges, and immunities of a citizen of the United States, but shall to all intents and purposes be considered as foreigners and subject to the laws of the U. S. in relation to Aliens. —

§ 4th. It shall be the duty of the Heads of families within the said provinces, being desirous to profit by this act, to furnish the Mayor or such other persons as may be appointed to open Registers, with the name and age of every free male member of his family, and the said Mayor shall cause the same to be inscribed on the Register, as before provided for.

§ 5th. In order to guard the more effectually against impositions, as well as to give to the inhabitants the security which citizenship will afford them abroad, It is further ordained, that the Secretary or Secretaries of the ceded territories grant to such inhabitants as may be desirous of receiving the same, certificates of citizenship, he or they being first satisfied that the provisions of this Ordinance shall have been complied with.

§ 6th. The evidence upon which the Secretary or Secretaries shall proceed to grant certificates of citizenship, shall be a certificate of the Clerk of the Mayor or such other persons as may be appointed to open registers, that the applicant has complied with the requisitions of this Ordinance, upon the receipt of which, it shall be the duty of the Secretary or Secretaries to grant to all and every such applicant or applicants certificates of citizenship, for which the said Clerk and Secretary shall

be entitled to one Dollar each, and for every name entered on the Register, the Mayor or other person authorized to open the same shall be entitled to one Dollar.

By the Governor —— Pensacola July 21st 1821

R. K. Call acting Secretary —

Andrew Jackson
Gov. of the Floridas —

By Maj General Andrew Jackson, Governor of the Provinces of the Floridas &c &c

To Doct John W L Voorhes.

Reposing special trust in your Patriotism integrity and abilities as a Physician, I do nominate and appoint you to the Office of Health Officer in and for the Port of Pensacola and its dependencies, giving and granting to you full and ample powers to discharge all and singular the duties there to belonging agreeably to the Ordnance for the Health of the City of Pensacola and the regulations & Instructions which you may receive from the Board of health

By the Governor
R K Call
Act Sect of
the Floridas

Given at Pensacola this 21st day of July A D 1821 and of the Independence of the U States of America the forty sixth.

(Signed) Andrew Jackson

By Maj General Jackson Governor of the Provinces of the Floridas exercising the powers of the Capt Genl and of the Intendant of the Island of Cuba over the said Provinces and of the Governors of said Provinces respectively.

To Stokly D. Hutchings & John Garnier

Reposing special trust in your abilities, integrity and capacity to discharge the duties of Auctioneers, I do hereby nominate and appoint you to ~~fulfil~~ fill the office of Auctioneers in and for the City of Pensacola giving and granting unto you full and ample Power

to

to discharge and perform all and singular the duties there to belonging to have and to hold the same during the pleasure of the Governor

Given at Pensacola this 19th day of July 1821

By the Governor
(Signed) Andrew Jackson

R. K. Call
Act Secy of
W. Florida

By Major General Andrew Jackson, Governor of the Provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the Island of Cuba, and of the Governors of said Provinces respectively.

Whereas from the extent of the ceded territories it becomes necessary to make such divisions as will promote the convenience of the inhabitants, and the speedy execution of the laws — Wherefore, and in virtue of the authority vested in me by the Govt of the United States, I do ordain;:

Sect. 1. That the said Provinces be divided as follows:

All the country lying between the River Perdido and Suwaney river with all the islands therein shall form one County to be called Escambia.

All the Country lying East of the River Suwaney, and every part of the ceded territories not designated as belonging to the former county shall form a County to be called St John's.

Sect. 2d. In each of said counties, and for the government thereof, there shall be established a Court, to be designated a County - Court, and to be composed of Five Justices of the Peace, any three of whom shall form a Quorum, and the eldest by appointment to be President of said Court, whose jurisdiction shall extend to all civil cases originating in the said County where the matter in controversy shall exceed twenty dollars, and to all criminal cases, saving to the parties the right of appeal to the Governor, in all cases above the sum of Five hundred dollars, and that there shall be no execution for a capital offence until the Warrant of the Governor be first had and obtained.

Sect. 3d. That the judicial proceedings in all civil cases shall be conducted except as to the examination of witnesses, according to the course of the existing laws, or the laws of Spain; and in criminal cases, according to the course of common law; that is, no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand Jury, and in all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial Jury of the County wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favour, and to have the assistance of Counsel for his defence.

Sect. 4th. There shall be a Clerk appointed for each of said County - courts, who shall receive for his services such compensation as the Court for which he is appointed may from time to time and in each suit appoint tax or allow and there shall be also a Sheriff appointed to each Court to execute the process thereof, whose services shall be compensated by the Court to which he is appointed in like manner as is appointed provided for the Clerk, and the

said Clerk and Sheriff shall give bond to the Presiding Justice for the faithful discharge of their duties.

Sect. 5th. Each County-court shall hold Quarterly Sessions, and continue the same until all the business pending therein shall be disposed of; the first session to ~~commence~~ be held at Pensacola on the first Monday of August next for the County of Escambia, and at St. Augustine on the second Monday of September next for the County of St. Johns's, with power to adjourn the same from time to time.

Sect. 6th. There shall not be less than Ten Justices of the Peace commissioned for each County, whose jurisdiction shall extend to all civil cases not exceeding fifty dollars, saving to the parties, or suitors, an appeal to the County-court, in all cases wherein the matter in dispute shall exceed the sum of Twenty Dollars, and shall also be authorized in all criminal Cases to exact surety for good behaviour, and to take recognizances in cases bailable, for the appearance of the accused before the County-courts.

Sect. 7th. That the examination of all witnesses within the jurisdiction of the courts, shall be conducted viva voce, and in open court — except when their personal attendance cannot be procured, — that the parties may conduct their suits in person, or by such counsel as they may choose, provided that the said counsel or counsellors, shall have been duly licensed to practice in the courts of the said ceded territories by the Governor.

Sect. 8th. The Alcaldes shall continue to exercise the powers of Judges of Probate, Registers of Wills, Notaries Publick, of Justices of the Peace, and such other powers appertaining to their said offices, as have not been otherwise distributed, saving the right of appeal to the County court in all cases.

Sect. 9th. That the Judges of the said County Courts shall have power to impose such taxes upon the inhabitants of their Counties respectively as in their discretion may be necessary to meet and defray the expenses which may be incurred in carrying this ordinance into effect.

Sect. 10th. That the said County Court shall have and exercise the powers of directing by special venire, or otherwise, the summoning of all jurors, grand as well as petit.

Sect. 11th. That the said courts shall have the power of creating and regulating their process and proceedings, from time to time, as they may deem necessary, and shall, as soon as convenient, after their organization, prepare and report a fee-bill to the Governor for his approbation.

Sect. 12th. That the said Courts shall have and ~~authorize~~ exercise, beyond the limits of Pensacola and St. Augustine, the power of granting and recalling licenses or commissions for inn-keepers, retailers of liquors, of every description, and Keepers of Billiard-tables, and to require of them such surety as they may deem proper, and impose such price for such license as in their opinion may be reasonable.

Sect. 13th. That it shall be the duty of said Courts in regulating their process and proceedings, to confine the parties strictly to the merits of their cause, and to cause all useless matter as well as unnecessary form to be expunged from the pleadings at the expence of the party introducing the same, so that justice may be administered in the most simple, cheap, and speedy manner.

Sect. 14th. In all criminal cases, the process and indictment shall be in the name of the United States, and there shall be appointed a prosecuting attorney for

each of the said Counties, who shall receive in each case, a reasonable compensation — to be taxed by the Court.

Sectn. 15th. That the Police of the Roads and Bridges, without the limits of Pensacola & St. Augustine, shall be under the immediate direction of the said County-courts — the Police of the City to be exclusively confided to the Mayor & Aldermen. — Pensacola July 21st. 1821 —

(Signed) Andrew Jackson.

By the Governor,
R. K. Call,
Actg Secy of W. Florida.

By Major Genl. Andrew Jackson, Governor of the Provinces of the Floridas, exercising the powers of the Capt. Genl. & of the Intendant of the Island of Cuba over the same, and of the Governors of said provinces respectively.

Reposing special trust and confidence in the patriotism, talents, and integrity of Henry D. Peire, I do hereby nominate and appoint him Alguazil Mayor or Sheriff of the County of Escambia including the Town of Pensacola and its dependencies, to do and perform all and every legal act thereunto belonging, and authorising him the said Henry D. Peire to demand and receive for all such legal acts or services done by him in his said capacity as Alguazil Mayor or Sheriff, all such sums or compensation as is or may be by law established.

Done at Pensacola, this 23rd day of July, 1821.

(Signed) Andrew Jackson.

By the Governor,
(signed) R. K. Call
Act. Sec. of W. Florida.

Form of Commission to Justices of the Peace & Quorum

By Maj. General Andrew, Governor of the Provinces of the Floridas exercising the powers of the Capt. Genl. and of the Intendent of the Island of Cuba, over the said Provinces, and of the Governors of said Provinces respectively.

To all to whom these presents shall come, Greeting:

Know Ye, that, Reposing special trust in the Patriotism, ~~talents~~ abilities and integrity of ~~Henry D. Peire~~ Willm. Barnet Esq. I do hereby nominate and appoint him to the Office of a Justice of the Peace, and to that of one of the Justices of the Quorum, in and for the County of Escambia, with power to hold the County-court of said County jointly with his associates, and to take cognizance of all such acts cases and to perform all such acts as are prescribed by law, to Have and to Hold the said office during the pleasure of the Governor.

Given at Pensacola this 24th. day of July, 1821.

(signed) Andrew Jackson.

By the Governor,
(Signed) R. K. Call,
Actg. Secy of W. Florida.

Form of a Commission for a Justice of the Peace. 137

By Maj.r Genl. Andrew Jackson, Governor of the Provinces of the Floridas, &c. &c.

To Alexander Love, Esq. Greeting:

Reposing special trust and confidence in your zeal, fidelity, and abilities, I do hereby constitute and appoint you a Justice of the Peace for the County of Escambia and Province of West Florida, to do and perform all and every legal act or acts of said office, and to receive such compensation therefor as is or by law may be established.

Given at Pensacola this 24th day of July, 1821.

(Signed) And. Jackson. Gov. of the Flor.

By the Governor,
R. K. Call, Act. Sec. W. Flor.

By Maj. Genl. Andrew Jackson, Governor of the Provinces of the Floridas, &c.

To John Miller, Esq.

Reposing special trust and confidence in your zeal, fidelity and ability, I do hereby constitute and appoint you to the office of Clerk to the County Court for the County of Escambia, Province of West Florida, to do and perform every legal act thereto belonging, and to receive such compensation therefor as is or may be by law established.

Given at Pensacola this 24th day of July, 1821.

(Signed) Andrew Jackson, Gov. of the Floridas &c.

By the Gov.
R. K. Call. Act. Sec. W. Flor.

By Maj. Genl. Andrew Jackson, Governor of the Provinces of the Floridas, &c.

To David Shannon, Esq.

Reposing special trust and confidence in your patriotism abilities, and integrity, I do nominate and appoint you to be Presiding Judge of the County Court of the County of Escambia, and also to be a Justice of the Peace in and for the said County, to do and perform all and every legal act thereunto belonging, and to receive such compensation therefor as is, or by law may be, established.

Given at Pensacola, this 24th day of July, 1821, and of the independence of the United States of America the 46th.

By the Gov.
R. K. Call,
Act. Secy. W. Florida.

(Signed) Andrew Jackson,
Governor of the Floridas, &c.

By Maj. Genl. Andrew Jackson, Governor of the Provinces of the Floridas &c.

To Washington L. Hannum, Esq.

Reposing special trust and confidence in your zeal, fidelity, and ability, I do nominate you to the Office of Prosecuting Attorney for the County of Escambia, and Province of West Florida, to do and perform every legal act thereto belonging, and to receive such compensation therefor as is or by law may be established.

Given at Pensacola this 24th day of July, 1821.

By the Governor,
R. K. Call,
Actg. Sec. of W. Flor.

(Signed) Andrew Jackson
Gov. of the Floridas. &c. &c.

By Maj: Gen: Andrew Jackson, Governor, &c. &c. &c.

An Ordinance explanatory of the mode of proceeding in the County Courts.

Sect. 1. All suits in the County Courts of Escambia & St Johns, shall be commenced by Petition, setting forth concisely the nature of the demand or complaint, and praying such relief as may be suited to the circumstances of the case, the same to be filed by the Clerk, and the suit to be entered on a docket to be kept for the purpose.

Sect. 2. A Copy of the Petition shall be made out by the Clerk, and a citation to the adverse party annexed thereto; the form of which is to be settled by the Presiding Justice, and to be signed by the Clerk, requiring the adverse party to appear at a day certain, to answer to the complaint, and the said petitions and citation to be served on him by the Alguazil, who shall take such security as may be required according to the existing laws.

Sect. 3. That in case the defendant shall not appear on the day to which he shall be cited, the Court may enter judgment against him, by default, in all cases where the demand is liquidated by proven account, by bond, note or final but the same may be opened within three days, should the party appear, and put in his answer, and in the case of all other demands or complaints the court shall proceed to hear testimony, assess damages, and render final judgments, but in case the citation and petition be not served, from inability to find the defendant, then the court to proceed in such case according to the manner pointed out by the existing laws.

Sect. 4. The substance of the judgment of the Court, and the different orders taken in the progress of the suit, shall be briefly noted on the record, and signed by the Presiding Justice, and in all cases where orders or Judgments shall be made or passed in open Court, or where counsel have been employed, the notification of such judgments or orders to the parties, shall be dispensed with.

Sect. 5. That if on the day appointed the defendant shall appear by himself or counsel, he shall have three days to put in his answer, and such further time as the Court may allow, and in case of liquidated demands, he shall be required to put in such answer on oath.

Sect. 6th. That after final judgment, execution shall issue without any further order, and the appraisement, notice, and sale, shall proceed as under the Spanish laws, all which to appear in substance on the record; the sale to be made by the Alguazil Mayor or Sheriff

Sect. 7. That all entries on the record shall be in English, but it shall be at the option of the parties to file their petitions and answers in English or Spanish, and in case that both or either of the parties shall be Spaniards, the writings served on them to be in both languages.

Sect. 8. That there shall be adjourned Courts on the first Monday in every month, for the trial of civil cases, signing judgments, and to which citations, executions and other process may be made returnable, and the form of all such process to be settled by the Presiding Justice, following as nearly as possible the forms in use in Spanish tribunals.

Sect. 9. In all cases where either of the parties may require it, the testimony of witnesses to be taken in writing at the trial and the reasons on which the Court shall have founded its decision, to be entered on record.

Sect. 10. The papers or other documents, on which the suit may be founded, shall be filed with the petition, and either party may put interrogatories to the other, according to the usage in Spanish tribunals, and which the other party shall be bound to answer, otherwise the matter therein to be taken pro confesso.

Sect. 11. The Clerk shall have power to issue summons to compel the attendance of witnesses but depositions to be read in evidence, to be taken by the proper order of the Presiding Justice with notice to the adverse party.

Sect. 12. The usual acts of Conciliation, orders, or and decrees, according to the Spanish practice, at the commencement and in the progress of any suit, may be made by the Presiding Justice, but the trial and final judgment shall in all cases be ~~pronounced~~ in open Court.

Sect. 13. That the following Fees be received by the Officers, and no other.

To the Crier, — for every cause	$ 1. 00
" Sheriff. — for serving every citation	$ 1. 50.
" — for serving sub-pœnâ for each witness	" 50
" — for serving attachments and return	$2 . 00.
" Keeping personal property and slaves, to be allowed by the Court.	
" taking bond on seizures and for security in case of liquidated demand	$1 " 00.
" serving executions, and money paid without sale.	$ 2 " 00
" execution against the property — none found.	$ 1 " 00
" making sale and levying the debt for the 1st $100	$ 5 " 00.
" for all sums above that amount per cent.	2. 50.
" keeping and maintaining a prisoner in jail, each day	" " 25.
" whipping any person sentenced to that punishment	$1 " 00
" executing any condemned person.	$ 10 " 00.
Notaries public, — for attesting all notarial acts	$ 1 " 50.
" making the same when required, for each hundred words	" " 25.
" for copies with certificates do — do.	" " 12.
Constables — for serving state warrants, to be paid by the City or the deft.	0 " 50.
" summoning witnesses	0 " 50
" serving execution	0 " 50.
" selling property under execution	1 " 00.
" serving search-warrants	1 " 00
" serving attachments	1 " 00
Translators. for each hundred words	0 " 25.
Milage — To be entitled for every mile necessarily travelled in the service of process.	0 . 06.
Interpreters shall receive in every suit	2 " 00.
Clerk of the Court,	1 " 00.
" for every citation	" 50.
" entering every order	
" administering oath and writing the same	12
Filing Petition Interrogatories answers	" 20
" Entering Judgement	1 " 00

execution - - - - - - - - - 1.00

Summons to Witness - - - - - - .50

Copies of all papers for each hundred words - - 25

For entering satisfaction of judgment - - - - .50

Taking depositions - - - - - .25

Judges for each order or decree acts of Court - - - .50

Trying causes and entering judgment - - - -

to each Justice - - - - - 1.00

Prosecuting Attorney - for every conviction - - - - - - 5.00

Pensacola July 26th 1821

(Signed) Andrew Jackson
Govr of the Floridas

By the Governor
R K Call
Act Sect of
W Florida

To Mr Worthington Secretary of East Florida, or in his absence to the Officer exercising his authority.

Pensacola 26 July 1821.

Sir

Herewith enclosed you will find receive sundry Ordinances (viz) No1 for the incorporation of the Town of St Augustine, No2 & 3 establishing Quarantine regulations, and providing for the naturalization of the inhabitants of the ceded territory. No4 establishing Counties and County Courts within the Floridas, and No5 - explanatory of the mode of proceeding in the County Courts, which you will officially attest and have duly promulgated.

You will also receive sundry blank Commissions which you will please to fill with the names of fit and suitable persons to perform the duties assigned in said commissions, attest and deliver them - I also enclose you blanks with my Signature, for as many Officers as will be necessary to carry into effect and execution the Government as organized by the different Ordinances above mentioned.

The Ordinance incorporating the Town of St Augustine does not specify its limits, as you will discover from the 4th Section, which relates to this subject, this was omitted from a want of information relative to the local situation of the place, and you are authorized to conclude the 4th Section, by giving to the Town such incorporated limits, as in your judgement will be most conducive to

its convenience and prosperity.

I have given the appointment of Sheriff for the County of St Johns to Captn Hanham late of the Army, by whom this will be delivered. — I have offered the appointment of Clerk of the County Court to Major Willis late of the army provided he should reach you in due time. I have enclosed this commission blank that in case he should not arrive in time for the first Session of the Court, that it may be filled with the name of some other person qualified to perform the duties but should he join you in time for the organization of the Court, the Commission will be given to him. — The appointment of all other Officers provided for in the different Ordinances, I have left to your own discretion having no doubt, but in all your selections you will alone consult, the good, the happiness and security of the People of East Florida. — I enclose you a Commission of Marshall of the Floridas for Col Forbes (forwarded to me by the State Department) together with a copy of a letter from Mr Adams requiring of me to take the necessary security from Col. Forbes for the faithful discharge of his duties — When you deliver them the Commission you will comply with the instructions contained in the letter, by which you will be regulated as to the amount of the Security to be required. I have only to add on this subject, that the Marshall's situation may be such as to have large sums of money in his hands, belonging to both the Govt. and to individuals, and the security should be such, as to give perfect security to all and particularly to individuals. I trust ere this reaches you, Col. Butler will have received possession of East Florida and its dependencies and that he has turned over the Government to you with my instructions, sent by Col Gadsden on board the U.S. Schooner Revenge which sailed from this Port ~~and~~ on the 1st instant. —

I have the pleasure to inform you that on the 17th instant at 10 oclk A.M. I received formal possession of West Florida and its dependencies and hoisted the Star Spangled Banner with the tune of "Long may it wave, o'er the Land of the free and the home of the brave.

I have the honor to be — very Respectfully

Yr Obdt Servt.

(Signed) Andrew Jackson

Govr. of the Floridas &c &c &c.

William G. D. Worthington — Secty of E. Florida, or in his absence, the Officer exercising his authority.

P.S. Mr. James B. Patterson late of New York has been highly recommended to me & I have to request you will give him the appointment of Prosecuting Attorney to the County Court.

Pensacola July 27 – 1821.

Sir

In my letter of yesterday to you I forgot to mention, that it will be necessary for you, to have all the ordinances herewith sent you, together with all the commissions given under them, to be recorded in a Book kept for that purpose, as well as all your Official Acts under the Commission I have sent you under date the 1st of July 1821 – authorizing you to administer the Govt. of East Florida with all the powers heretofore exercised by the Governor of the same.

You will please as Secty of the territory to attest all ordinances and commissions bearing my signature – and have all ordinances printed and promulgated, if you have the benefit of a Printing press, if not, have them fairly copied and stuck up at the most public places – I am Sir with great respect –

Yr. mo Obt Servt.
(Signed) Andrew Jackson
Gov of the Floridas &c &c.

To W. G. D. Worthington – Secty. of E. Florida, or in his absence, the Officer exercising his authority.

Genl. Jackson to the Secretary of State, dated Pensacola, 30th July, 1821.

Sir,

I seize the first moment of leisure I have been able to obtain for more than a month, to lay before you an account of the commission confided to me, in relation to the Floridas, and also the measures adopted for their government until the will of the President be known.

In my letters from Blakely of the 1st. and 7th. May, duplicates of which with accompanying documents have been forwarded, I informed you of my arrival at that place, of my disappointment in not hearing from the Hornet, of my dispatching Messrs. Brackenridge and Bronaugh with a letter to Govr. Callava, and of my communication with Montpelier. I had with confidence calculated on the arrival of the Hornet by the first of May, and from a knowledge of the habitual apathy of Spanish functionaries, I thought it adviseable even before the arrival of the Hornet, to announce my commission to the Spanish Governor of West Florida, and after offering to exhibit the Royal Order and my commission for receiving the country, to ask information upon certain points which would tend to expedite and facilitate subsequent arrangements. From his letter, which has also been forwarded, it will be seen that he declined to comply with my request, but I am well satisfied that this early step had a favorable operation upon our subsequent transactions. It drew from him a promise that the surrender of the country should not be delayed by him, in case he should be the person commissioned for the purpose, and I think it not improbable that this measure had also some effect with the Captain General of Cuba. I had received intimations both at New-Orleans and at Blakely, that speculations were in contemplation, to accomplish which, great pains would be taken by the parties concerned to delay the surrender of the ceded country; and since that period, I have heard it frequently expressed as a matter of surprise that no attempt of the kind had been made at least in this quarter.

On the return of Messrs. Bronaugh and Brackenridge, I proceeded to Montpelier, having been previously joined by my aid-de-camp Capt. Call. On the 11th. I again addressed a letter to the Governor of West Florida, which I dispatched by Capt. Call

who was instructed to remain at Pensacola until the arrival of the Hornet, for I still confidently hoped this could not be delayed many days, and also authorized Capt. Call to make any preliminary arrangements with the Governor, which he would be willing to enter into. In my letter to him of the 11th. instant, after expressing my regret at his not considering himself authorised to give the information I had asked, I informed him that orders had been given to provide transportation for six hundred men with supplies for their voyage, that the same was then ready, and would sail for Pensacola on the first notification of the receipt of the Royal Order at that place. In doing this, my intention was to deprive him of all excuse on the score of his not having had sufficient time to make his preparations for quitting the country. I had previously informed him of the assurances of the Spanish Minister at Washington, that no delay should be experienced in the surrender of the Floridas, and which I now took occasion to repeat. After stating the unpleasant situation in which the American troops were placed in the interior, I proceeded to inform him, that two public vessels the Shields and the Amelia were then at anchor in Mobile bay, with supplies for Pensacola and St. Marks, and proposed to make a deposit of the supplies intended for our troops at the former place, and also requested to be informed whether it would meet his wishes to have the troops of Spain brought from St. Marks to Pensacola, as a preparatory measure to the surrender of the country, so that all the Spanish officers and soldiers might sail together under the same convoy. This was intended to render the evacuation more convenient and agreeable to them. I had begun to entertain serious doubts of the speedy arrival of the Hornet, and thought that if a preliminary arrangement of this kind could be made, time might be saved. The Governor in his reply of the 16th. consented to the proposal of making a deposit of the provisions for the American troops, approved of the proposal respecting the transportation of the troops from St. Marks, but denied that he had any power to make any preliminary arrangements or to do any act connected with the surrender of the country, until he should have received orders from his superior. The vessels accordingly sailed for Pensacola, and the provisions were placed in deposit at that place. It may be well here to observe that at a subsequent period the Governor thought proper to claim the benefit of the proposal to bring the Spanish troops to this place from St. Marks, although not assented to when made, and was acceded to by me from a wish to deal with him in the most liberal and generous manner, at the same time that I was determined to permit no idle and useless delay.

Nearly two weeks elapsed after the departure of Capt. Call, without hearing a word of the Hornet. The anxiety which I experienced can be more readily imagined than expressed. Without speaking of my own situation and that of my family, which was extremely uncomfortable, I began to entertain apprehensions that there was no intention to surrender the country before the twenty-second of August. During this painful state of suspense, many rumours were afloat, and how far well or ill founded, it was impossible for me to say. I was utterly unable to conjecture the cause of the delay of Col. Forbes; it appeared to me that a few days would have sufficed for the transmission of the Royal Order to the Floridas, and I took, for granted that if any considerable delay was likely to be experienced in procuring the archives, a person would be left to receive them, in order to accomplish the more important object of obtaining immediate possession of the ceded territories. On an attentive examination of the stipulations of the treaty, I was satisfied in my own mind that the seventh article, relating to the transportation of the Spanish officers and troops, and the evacuation of the places occupied by them, was a different matter from the surrender of the sovereignty of the country, as stipulated under the second article, and for which no specific time was appointed, and therefore to date from the exchange of ratifications. This construction was confirmed by the stipulations on the subject of duties, by which the twelve years' privilege granted to Spain was to commence three months after the ratification; and the provision which under a construction different from the

I have given would have been entirely unnecessary, that the duties collected by the Spanish custom house officers from the time of the exchange of ratifications until the surrender might be retained. The circumstances attending the Treaty, although not appearing on the face of it, I was satisfied might in good conscience and truth, to place the date of its ratification on the part of Spain as far back as October last. These were considerations which I kept in reserve to be acted on only in case of the most urgent necessity, having set out with a determination to carry the Treaty into effect if possible in harmony and good will. I was also determined on the arrival of the Royal Order, to permit no unless delay, as I conceived that after this, the termination of the business was left to Govr. Callava and myself, our respective governments having confided it to us, and I was determined that on such event, nothing should be wanting on my part.

On the 20th. Capt. Call returned to Montpelier in company with Mr. Thompson, who brought me the first certain information of the Hornet. Mr. Thompson was the bearer of a letter from Col. Forbes, to which I refer you, which, although far from being satisfactory, together with the assurances of Mr. Thompson that the Hornet would probably have sailed in a few days after his departure from Havanna, seemed in some measure to remove the uneasiness I had experienced. I began to entertain a hope that the long-expected vessel might at length arrive. In anticipation of this event I addressed a letter to Col. Gadsden, who had shortly before reached Pensacola, and appointed him a confidential agent to reside at that place, and for the purposes expressed in my letter to him of the 21st of May, to which I refer you. Having occasion for the services of Col. Gadsden near me, I transferred his powers to Capt. Call, and was joined by the former at Montpelier. On the 22nd. I addressed a letter to Major Fanning, the officer commanding at Fort Gadsden, giving the necessary orders for the taking possession and occupation of St. Marks, to which I must also refer you, as more fully explanatory of the arrangements made with a view to that operation.

From this period until I addressed you my letter of the 30th of May I remained at Montpelier in the same uncertainty, and with increasing solicitude. Reports reached me that Captain Read of the Hornet had fallen a victim to the climate of Havanna, and that the greater part of the crew was unfit for duty. My letter of the 9th. of June will shew the painful anxiety which I felt during this period, not a little heightened by the bad state of my health. I prepared, in the mean time, an express to be dispatched to St. Augustine with instructions to Col. Butler, and wrote him the letter under date of the 2d. of June, to give him the earliest information of events in this quarter. I was apprehensive that the vessels employed to transport the troops from East Florida would have arrived, and occasion a heavy demurrage, as the same precautions could not well be taken there as in this quarter, where we were more convenient to the place at which the transports were to be procured.

I had almost given up all hope of the arrival of the Hornet, when at last I was informed by express that she had arrived at Pensacola on the evening of the 9th. of June, after having been detained six weeks in Havanna, for reasons which to me still remain unaccounted for. A letter from Mr. Forbes was brought by the same express, informing me of his arrival at Pensacola in company with Don Alva as Commissioner on the part of Spain. I refer you to his letter and to my reply, dated the 11th. I could not but remark with some surprise that the order of the Capt. General was for the delivery of West Florida to Col. Forbes, as commissioner on the part of the United States: this was owing to a mistake, Col Forbes informs me, which although discovered before the sailing of the Hornet, could not be corrected for want of time. The length of time which elapsed from the date of the order and the sailing of the Hornet, is a circumstance which, I must confess I do not clearly understand. It is by no means accounted for by the delay in procuring the archives; all that could be procured was a few extracts from the Treaty of '83, between Spain and Great Britain which I presume is to be had in any common library. The important papers relating to the grants of land in the country, as well as other documents directly relating to the Floridas, must still be the subject of negotiation between the respective Governments. I forbear to make any further remarks on this head, but will refer you to my letter of the 15th. sent by Express after my former letter had gone, and also to the com-

munications

of Mr Forbes himself.

Without loss of time I addressed the letter of the 12th to Governor Callava, having previously received his communication of the 10th brought to me by Capt Call.

I expressed my ~~particular~~ gratification at the promptitude with which he had imparted to me the information he had promised on the arrival of the Hornet and was pleased with his frankness in waving any advantage of the order being for the surrender of the County to Mr Forbes. To meet what appeared liberal, with equal liberality, I assented to his request that the Spanish Troops should be brought from St Marks to be embarked with those at this place. Capt Call who had been authorized to make the arrangements for the evacuation of St Marks, had been met by the difficulty anticipated by you in relation to the construction of the Treaty. The Spanish Governor required a receipt for the Cannon and munitions of War left at St Marks, contending that the former was not included under the term fortifications. To his proposal I acceded according to the terms expressed in my letter of the 12th in which I urged all the arguments which then suggested themselves to me to prove the right of the United States under the second article of the Treaty. I also brought into view the manner in which the 7th Article was expressed and the liberal construction placed upon it by the President, under a belief that a construction equally liberal would be placed by Spain on the one before mentioned; and finally referred him to Capt Call to whom I had given in my letter of the same date authority to make a provisional arrangement in case the Governor after the reasons I had given should persist in his Construction of the Treaty: this was to receipt for the Cannon in the forts on conditions that receipts should also be given for the Transportation furnished for civil Officers, provisions and servants, not provided for by the express letter of the 7th Article - Giving it at the same time to be distinctly understood that the U.S. should by no act of mine be considered as abandoning their right to the Cannon as part of the appendages of the Forts - An Inventory of the munitions of war, embraced in their claim was to be taken, and the receipt to specify that they had been received with the Forts, but ~~—~~ claimed by the Spanish Commissioner as not included in the cession, and to be held by the American Agent subject to any future disposition which might be made by the Respective Governments: the Spanish Commissioner to receipt for provisions, transportation of families of Officers, civil Officers &c in the same form, and the Governor distinctly informed that in case the Spanish Govt. insisted upon the delivery of the one, the U.S. would insist on payment for the other. - Capt Call was also instructed in case this proposed arrangement should not prove satisfactory, to refuse transportation for every thing not literally included in the Seventh Article of the Treaty and at the same time to protest against the dismantling the Forts, as an act on the Governor's own responsibility, and as a violation of the second

article of the Treaty. As an evidence of my desire to settle the business in the most satisfactory and amicable manner, Capt Call was also instructed to comply with the Governor's request for transportation of two field pieces from St Marks and some Ordnance Stores. In the same letter I informed the Governor of my intentions to move in a few days into the vicinity of Pensacola. I also gave him to understand that the Transports deemed necessary had been provided and might shortly be expected in Pensacola.

On the 16th of June after an unpleasant journey on account of the unusual rains which had prevailed for a considerable time, I arrived at the house of Manuel Gonzales distant fifteen miles from Pensacola, where I intended to await the arrival of the Troops and to remain until I had officially announced to the Governor my Entrance into the Floridas for the purpose of receiving possession as Commissioner on the part of the U. States. On the day of my arrival at Manuels, I wrote to the Governor by Col. Gadsden informing him of my arrival at that place, prepared to accomplish the objects of my commission. I expressed a wish that a period as early as possible might be concluded on, to our mutual convenience, where we might meet, exhibit our credentials, officially recognize each other and enter on the duties of our respective commissions. — I stated that Col Gadsden was authorized by me to take charge of any communications from him and to concert the arrangements connected with the proposition made. On the same evening I received a long letter dated of that day from the Governor in answer to mine on the subject of the construction of the Treaty, with a few lines on the envelope informing me, that but for his ill state of health he would have done himself the pleasure of waiting on me in person. My reply dated the 17th contains a brief repetition of his reasoning and an expression of my unwillingness to induce him to depart from the positive instructions which he informed me he had received. I concluded by observing that when I should have the pleasure of seeing him personally I should hope to make an arrangement agreeably to the instructions given to Capt Call, and which he had communicated to him, and which will refer the subjects of difference to be adjusted by our respective Governments.

The situation of the Troops now encamped near Manuels was inconvenient on account of the distance from their supplies. There were many reasons strongly requiring that the American Flag should be hoisted in Pensacola without delay, American vessels were arriving and were expected to arrive who had sailed from Ports of the United States under the faith of the expected surrender, and which would be exposed to the payment of heavy duties through the means of an arbitrary valuation, there had been a great increase of American population and which was augmenting every day, and the State of things incident to a country so nearly on the point of being Trans~~ported~~ferred for ever to the dominion of another nation may be readily conceived: added to all this the neglect of the police which I was informed existed in Pensacola and attention to which is so important to a place

that must be indebted to this circumstance perhaps more than any other for its future growth. Under all these circumstances I authorized Col Gadsden to make the proposition mentioned in his letter of the 18th. in the hope that it might possibly meet the approbation of Governor Callava, but without intending to insist upon it. From the other part of Col Gadsden's letter it will be seen that it was my wish, a time and place might be designated at which we might meet, recognize each other, and enter on the business of our respective Commissions. A misapprehension occurred on this subject which was not explained until the close of our correspondence. Not receiving such an invitation as I thought I had a right to expect and not being visited by the Governor or any of his Officers, I concluded to remain with my family where I was, and as the Governor had officially recognized me as commissioner, I resolved to carry on the preparatory negotiations by means of my Staff.

I received another letter from the Governor on the 19th together with his letter to Col Gadsden; I refer you to my reply of the day following in which I enter into a full and explicit statement of what I ~~conceived~~ conceived to have been misunderstood. In the course of that communication after enumerating some of the more urgent reasons on my part for obtaining a speedy delivery of West Florida, I requested him to State in how many days after the arrival of the Troops from St Marks, he would be prepared to evacuate the Floridas. I mentioned the circumstance of one of the Transports the Anna Maria having arrived some time before, the Cora having unfortunately been cast away near the Balize, but that prompt measures had been taken to remedy the misfortune. In the same communication I informed the Governor of the appointment of Major Stanton to discharge the duties attendant on the transportation of the Spanish Troops and to concert the necessary measures for their comfort. In the concluding observations of my letter I regretted the existing difference respecting the construction of any articles of the Treaty, the stipulations of which we were in part commissioned to execute. I received on the 22nd. the Governor's letter of that date together with the one of the 20th enclosing several propositions relating to preliminary arrangements for the surrender of the Country and the Fortification of Barrancas. In the letter of the 22nd. he informed me that Don Alba was merely the bearer of despatches from the Captain General and clothed with no official character in relation to the Floridas, and declared himself to be the sole Commissioner. He waived the exhibition of my Commission for the present, but requested an attested Copy, which was accordingly sent. In reply to my request of appointing a day after the arrival of the Troops from St Marks for the delivery of West Florida, he stated that as soon as the Garrison of Appalache should reach Pensacola, and the Transports should be ready, he considered four or six days at the utmost as sufficient for the delivery of it, the embarkation of the equipage, troops and other individuals, whence he declared I might now consider the time solicited by me to be fixed.

He subject of the Artillery was again touched upon in his letter when I had flattered myself with a hope that it had not been well understood and settled.. The Artillery and its appendages he informed me could not be submitted to any Kind of compromise, such at least was the meaning given to the Spanish expressions, no puedo ser sugetarla a ningun clase de compromiso. Not a little surprized at what appeared to me little short of equivocation, on the receipt of it, I experienced no small degree of mortification. I called on Captn Call for his report whether he had not communicated my instructions to him, to which I refer you on its receipt, and finding that he had made it Known to him, I immediately addressed Gov. Callava my communication of the 23d in which I deemed it necessary to recapitulate what I had said on the subject of the construction of the second and seventh Articles of the Treaty, and in order to prevent any future misunderstanding I reduced the subject to these two distinct propositions.

First - That an inventory of the Cannon, munitions of war &c belonging to the Fortifications ceded should be taken and signed by the proper Officers authorized to do so, with a remark that said Cannon, Ordinance &c were claimed by him but left in my possession subject to any future dispositions which might be made of them by our respective Governments:

Second - That an inventory of the transportation of families of Officers and Servants, and provisions placed on board of the Transports for the supply of the Troops on their voyage should be made out and certified by you as furnished by me.

I observed that these were the propositions to which I had supposed he had assented and that they corresponded with the instructions given to Capt. Call. I had now hoped the subject was understood and at rest. In the Governors reply of the 25th he acknowledges himself to be well acquainted with the tenor of the particulars, which it embraces, and particularly with that part which relates to the Artillery, he declares that no mistake could have occurred in the account given by him to the Minister of His Catholic Majesty at Washington, and in the concluding part of his letter he observes that no objection, a remark offers itself to giving me a certificate setting forth the number of persons transported, and of the provisions supplied them for their voyage.

A short correspondence to which I refer you had at the same time taken place respecting the transmission to St Augustine of the necessary orders for the delivery of that place. I refer you also to my letter to Col Forbes and his reply. The length to which this communication has already been unavoidably drawn out precludes me from any remarks at present on this business. The circumstance however added to the necessity of despatching Col Gadsden to St Augustine, and preparatory to this, I prepared the letter to Col. Butler, the Commission to Mr Worthington and letter to that Gentleman with other document referred to and of which I gave an account in my letter to you of the 29th of June. In that letter, you will perceive my understanding respecting the provisional arrangement on the subject of

the disputed articles of the Treaty clearly and fully expressed. I refer you to the correspondence between the Governor and myself previous to that date and after ~~that date~~ the 25th. — This tedious length of correspondence in settling so many matters of detail as well as of greater importance was what I had not expected and in the then state of my health, was extremely fatiguing. In my letter of 26th. I expressed my satisfaction that we had ~~not~~ misunderstood each other on the subject of the Artillery &c &c. — By good fortune, when much at a loss for a mode of conveyance for Col. Gadsden, the extraordinary rains having rendered the passage across the Country almost impracticable, the U.S. Schooner Revenge entered this port and was instantly put in requisition for the service above mentioned. Mr. Forbes and Don Alba, or rather the Governor in his behalf solicited a passage, but on being informed that the vessel was extremely small, having but one birth which the ~~Captn~~ Commander had given up to Col Gadsden, I could not consent: Col Forbes, however, embarked without my consent knowledge or approbation.

I refer you to my letters of the 1st July for several preliminary ~~articles~~ arrangements proposed and acceded to respecting the preparation of the Process verbal, the ceremony to be observed in changing the Flag, and the appointments of Messrs Call, Bronaugh & Brackenridge to unite with the like number of persons to be appointed by the Governor to examine and compare the inventories of Archives and Public Buildings and property — Major Stanton had been appointed for the same service in relation to the Artillery & charged with taking the inventory and receipt for the provisions and Transportation of Civil Officers &c &c.

By letter of the 3rd of July I communicated to the Governor the arrival of the Ship Lucy Ann, chartered in the room of the Cora. I intimated that I hoped no delay would occur in the arrival of the vessels from St Marks, in the embarkation of the Spanish Troops &c. on board the Transports then ready, and the surrender of the Country, that the vessels were under a heavy demurrage, and that I relied on his pledge that no unnecessary delay would be permitted on the arrival of the Transports. The accident of the loss of the Cora, and the ~~unusual~~ unusual detention of the vessels from St Marks by contrary winds, had already given the Governor much longer time than he could possibly have calculated on, when he gave in the pledge already mentioned. Every day which now passed was so much gained on the other side, and a heavy expense to the United States. Instead of three or four days the usual voyage from St Marks to this place, the vessels were detained by adverse winds thirteen days and at last arrived at Pensacola on the 9th of July. This event I communicated without loss of time to the Governor by my letter of the 9th. and requested him to appoint a day for the delivery of West Florida with the fortress of St Marks, according to the

agreement previously entered into between us. I had been unremitted in my endeavors, as I think will fully appear by the correspondence, to leave nothing unsettled on the arrival of the vessels from St Marks, so as to permit no possible excuse for delay, as the Hornet had been here a month already owing to the unlooked for loss of the Corn, and the extraordinary prevalence of Westerly Winds, which prevented the arrival of the vessels just mentioned. For my correspondence with Major ~~Stanton~~ Fanning I also refer to the accompanying documents. I also send you a copy of the order ~~issued~~ issued by me to Col Brooke preparatory to the march of the Troops to Galvez Spring. My intention of moving to some convenient spot near Pensacola immediately before taking possession of West Florida had already been intimated to the Governor and assented to. In answer to my request the Governor in his letter of the 10th informed me that on the day following he would name a day in conformity with his pledge. But on the day following, to my astonishment he informed me by his letter of the 11th ~~instant~~ that on Saturday the 14th, he would inform me whether the surrender should be made on the same day or Tuesday following; both of these days beyond the latest period fixed upon for the delivery. I confess I could not but feel considerable irritation, for it seemed to me that if I permitted him to disregard his pledge at will in one particular, there was no knowing what was next to follow. I was disappointed in what I had confidently expected and under these feelings addressed him my letter of the 12th of July. The Troops had marched ~~before~~ the day before to Galvez Spring, and were on that day joined by me at that place. To the Governor's letter of the 13th and my reply of the same date I must beg leave to refer you. I sincerely regretted the unpleasant feeling occasioned by the circumstances I have detailed, but I acted under a sense of duty, and upon convictions of the necessity of the course I pursued. The Governor fixed upon the 17th as the day for the delivery, unequivocally and without reserve, and in my letter of that date I advised you of my having obtained possession of West Florida.

I had reposed in him the utmost confidence after the friendly and satisfactory manner in which the delivery was made on the 17th that the business was finally closed in the way I could have desired. But in this, I regret to say, I have been disappointed. On the day just mentioned, all papers, inventories &c were duly prepared for signatures on either side, excepting the inventory and receipt for provisions ~~and~~ so not expressly stipulated for under the 7th article of the Treaty. On the morning of the 17th Major Stanton informed me that he had been waited on by Mr Cruzat the Governor's Secretary, who on the part of the Governor, stated, that from ill health, and press of business, he was not able to attend to the inventory at that time and requesting that it might be deferred, pledging himself that it should be made out in conformity with the agreement, and satisfactory to me. When this request was repeated to me, I confess I was not a little surprized, and in spite of the high opinion which my Officers entertained of Governor Callava, and my own sincere wish to cherish the same opinion, the recollections of the conduct we have so often experienced from Spanish ~~Officers~~

functionaries and particularly the conduct of Governor Fork towards Messrs Ellicot and Hawkins, renders it impossible for me entirely to divest my mind of distrust. I had constantly cautioned those under my orders to be on their guard and on this occasion I observed to Mr. Stanton, who it will be seen by the accompanying documents has been fully instructed on the subject, that if he could place confidence in the promises of the Governor and his Secretary, I had no objections to the indulgence. After the Governor was restored to better health and walking about the Town, I urged Major Stanton to obtain the inventory and receipt, that I might close my communication to the Government. After a delay of some days a receipt was presented to me, which on being translated, I found with indignation to be a simple acknowledgement that the transportation and provisions had been furnished by the U.S. in compliance with the stipulations of the 7th Article of the Treaty! I immediately informed Major Stanton that such a thing could not be received, and ordered him to call on Mr Cruzat and procure the kind of receipt agreed upon in correspondence, and which he had pledged himself should be given. After a lapse of ten days, the note was presented to Major Stanton from Mr Cruzat was presented to me, in which I am informed that no other receipt than the one which the Governor chose to offer would be given. I immediately appointed Col Bronaugh to wait on Governor Callava in company with Major Stanton and demand a receipt in this strict and literal conformity with my letter of the 23d of June and assented to in his letter of the 25th. I refer you to the report of those Gentlemen, by which it will be seen that he utterly refused. I then addressed him my letter of the 3d of August declaring in the most explicit manner, that in consequence of his faithless conduct, the receipt given by me for the Artillery is null and void, and that I should so report it to my Government, the execution of the one being the consideration of the other. The conduct of Governor Callava has mortified me extremely, especially as I had wished to think well of him, and as he had been uniformly represented to me as a frank, honorable Soldier; But I cannot but view his refusal under the circumstances detailed, as a most base and flagrant breach of faith. To prove that there could have been no misunderstanding on the score of translations I beg leave to refer you to the Certificate of Messrs. Brackenridge and Rutledge.

I now proceed to lay before you the measures adopted by me for the Government of East & West Florida in the best manner possible for the present. In this province the Government, like every thing else was in a state of dismemberment and neglect. The circumstance of being on the eve of a transfer to the United States, occasioned a total indifference and carelessness in the administration of all its branches. For a

more minute account I refer you to the report of Judge Brackenridge and to the Ordinances herewith sent. According to the Spanish Scheme of Municipal ~~operations~~ administrations, there ought to have been an Alcalde, a Judge de Partido, a Fiscal, a Cabildo or Corporation, and Alguazils or Sheriffs and Constables. At Pensacola, none of these Offices were filled except that of the Alcalde, who was the only Civil provincial Officer, properly speaking in W. Florida. To limp along with this maimed and imperfect state, seemed to me intolerable. On consultation with an eminent lawyer from New Orleans, who was present at the change of Government and also with Judge Brackenridge a Gentleman of the high legal acquirement who was in Louisiana sometime after, I resolved without going as far as I understood the Governor of that Province had gone, to fill up those Offices ~~to~~ which I found vacant and to make such alterations as seemed to me absolutely called for by the mere cessation of the Government of Spain, and the extension of that of the United States over the Country. The first Ordinance establishes the Corporation, to which this place under the Spanish Laws is entitled. The great accession of population, and the neglect of the Police for the last two years called for a body exclusively entrusted with its superintendance. Their powers to conform to those which they would have possessed under the Spanish Government. The Taxes which they are authorized to lay, are such as have been usually paid. The Board of Health was peculiarly necessary from the vital importance to this place to preserve its character for salubrity. The Ordinance relating to the enregistering the names of those who may be desirous of claiming the benefit of the Sixth Article of the Treaty, was dictated, first, by the necessity of affording some evidence which could be used by those who were at once disposed to make their elections and become Citizens of the United States, and without which they would still be regarded as foreigners, and secondly by the impropriety, of which I had no little experience in Louisiana of persons claiming exemptions as foreigners, and the privileges of Citizens, as it suited their convenience.

The establishment of a County Court, by adding four Justices of the Peace to the Presiding Judge, was with a view to the Police of the County, as that of the City was entrusted to the Corporation, and also for the trial of offences against the public peace and happiness. The presentment, and trial by Jury are both in the contemplation of the ~~Law~~ Spanish Constitution, as ~~well~~ well as that of the United States.

The Ordinance regulating the proceedings in the Court in civil cases, rather makes known, the Spanish procedure, than establishes any thing new to the Spanish Law, excepting the pronouncing final judgement in public on set days, and requiring

the ~~necessary~~ witnesses to give evidence viva voce when their attendance can be procured. The appointment of Justices of the Peace was so necessary a measure, particularly in the remote settlements, which are rapidly en-creasing, that it seems scarcely necessary to say any thing on the subject. It must be recollected that much the greater part of the population of this Country is American, that the active commerce is carried on by Americans, and hence the necessity of assimilating the present institutions to something which they can understand, and of ~~[illegible]~~ administering the laws by means of tribunals not altogether foreign to their habits and feelings. The distance from the Seat of Government is a great inconvenience as months must elapse before any suggested alterations can be approved and put in operation. I believe the alterations which I have made, unimportant as they are, strictly conform to my instructions, and are certainly indispensible, unless all civil Government should be superceded for the present. Col Butler informs me that the Municipal Organization was more complete at St Augustine; that beside the Alcalde, there was a Judge, and a Cabildo or Corporation, but little change will therefore ~~be necessary~~ be requisite in that quarter. The Commission under which I act does not define my powers, and I assure you I am not a little at a loss to collect them from the nature of the Office. Judging from the practice in Spanish Colonies the ViceRoy or Captain General possesses the legislative as well as the Executive powers over the provinces placed under his Government — Oreilly in Louisiana of his own authority, introduced the Spanish Law, and established tribunals exactly modelled after those of Spain, but according to the decrees passed under the constitution these officers are strictly confined to the exercise of Military and Executive, or political power; and the Intendants are ~~strictly~~ exclusively entrusted with the superintendance of the Revenue and public property; the former, is excepted by the Act of Congress. In this uncertainty I have contented myself with merely organizing a Government from the materials at hand with as little change as possible, promulgating the same by way of Ordinances in order that the people may have some Knowledge of the system to which they must conform. These Ordinances I now transmit for the approval of the president.

From the Report of Judge Brackenridge it will be seen, that the only public documents or archives delivered over, are those which in the first place belong to the Notarial Office, consisting of transfers of land from individuals, powers of attorney, protests, wills and other acts, which in Spanish Countries appertain to the duties of Notary. An Inventory of the unbound

books containing these acts, is transmitted, giving the year and number of pages of each book. In pursuance of my directions, they were marked by Messrs Call, Bronaugh and Brackenridge (who were appointed to compare them with the inventory) with a letter of the Alphabet, and signed, in order that they may be identified. In the second place, the archives of the Alcalde's Office, and which consist of the papers in suits from the year 1781 down to the present time and are very voluminous, but many of them, it is supposed, have been withdrawn or sent to Havana; and as there is no docket, or book containing a Record of these papers, being considered themselves as the Record, it is extremely difficult to detect any fraud with respect to them. There are no Original Grants, surveys, maps, or even a plat of the City. It is well known that all these papers are at Havana in the possession of the late Surveyor General Pintado, in whose transcripts ~~of pap~~ title papers I do not think any reliance ought to be placed. Having the archives in his possession, ~~he gives~~ gives authenticated copies, and states himself in these certificates to be duly authorized to do so. From this shop it is probable, that a number of such titles were transmitted to this Country by the Hornet! I am confident that very extensive frauds have been ~~committed~~ attempted, this opinion is daily strengthened by observation, and I think it highly important that persons of integrity and intelligence should be appointed to sift them. The failure to obtain the archives deposited at Havana, will be seriously felt by the honest inhabitants of the Country and will call for more than usual vigilance and attention on the part of the Government to prevent fraud in antidated titles. The conduct of the Captain General in relation to the Archives but too well confirms the opinions which I entertain of Spanish functionaries, at least so far as we have had any thing to do with them.

The report of Major Stanton, and the inventory of the articles &c receipted for, will shew the value of those articles. Every thing however worthless has been brought forward in order to swell that inventory to an imposing magnitude. I am well satisfied that with the exception of two brass pieces at the Barancas and two Mortars and three Howitzers, the Cannon left with us are scarcely worth possessing. The Artillery at St Marks is literally worthless, and I am of opinion that the value of the whole does not much exceed the extra transportation and the provisions which have been furnished, and not expressly stipulated for by the Treaty. Major Stanton report will also shew the condition of the public buildings. The Government House is in a ruinous state. I intended at first to occupy it myself, but on examination

it was considered unsafe. It is a frame building no way remarkable for its structure and at present entirely out of repair and in some parts rudely propped ~~with~~ with unhewn timber. It has been taken by the Officers for quarters, by which there has been a considerable saving to the Government. The Blockhouses were the most filthy and disgusting places imaginable, but with some pains they have been fitted up in such a manner as to afford quarters for the Troops. The Hospital, was in a situation equally disgusting, but has been rendered fit for use by the exertions of the Officers. The prison is in a tolerable state of repair, but is a very poor building; all the rest are uninhabitable. The Barracks are said to have cost the British government a large sum of money. The frame is still sound, the basement Story is of bricks; but the doors and windows have been torn off, the roof is decayed and in part fallen in. Unless something be done in the course of a few months, it will be necessary to pull it down as it will become a dangerous nuisance. The expense of repairing it will not be less than from twelve to fifteen thousand dollars. Proposals have been made to me by a Major Edwards to repair it at his own expense, on condition that he shall have the use of it for six years. The offer appears to me a very advantageous one to the U. S. — But possessing no power to enter into it I could do nothing more than to forward his proposals for the consideration of the President, with a request that an answer may be given as speedily as possible.

In my appointments to Office I was desirous of giving the preference where I could to the ~~old~~ inhabitants of the Country: I found that few were willing to accept any situation, from unwillingness to lose their rights as Spanish Subjects, the greater part ~~of them~~ having been in some way or other connected with the government, or having private claims which might be ~~prejud~~ prejudiced by doing any act evincing their intention to become American Citizens. Besides, it is said, that strong inducements are held out by the Spanish Government to those who remove. The former Alcalde was a halfpay Officer and of course could not be continued. The inhabitants in general, I have found a sober, orderly, peacable and well-meaning people. I entertain a very favorable opinion of all the Spanish population, excepting of such as have been employed by the Government which seems to have had every where some corrupting influence over the mind, and morals of those engaged in its administration

I have confined myself in this communication to the subject of my Commission for receiving the Floridas, and to the mere organization of the Government, reserving for a future and a final communication the information which I may possess in relation to the Country in general. The arrival of Col Butler from St Augustine and whose report is transmitted in another communication has happily enabled me to close the business of my Commission; this I hope, has been done in such a manner, as to meet the approbation of my Government.

I am with sentiments of respect
Yr most Obdt Servt
(Signed) Andrew Jackson
Governor of the Floridas &c
&c &c.

~~August 14 – 1821~~

P.S. – August the 14th 1821. The foregoing communication was commenced on the day of its date, but was delayed several days by inability to close the business of the inventory for the provisions &c and afterwards by other unavoidable causes –

Honble John Quincy Adams
Secretary of State.

Genl Jackson to Major Henry Stanton – Qr Master U.S.A.

Montpelier June 20 – 1821.

Sir/

Enclosed you is a communication to the Governor of W. Florida, which you will take an early opportunity of presenting – You are referred to a letter this day addressed to His Excellency and it is my wish that you direct your attention to having the transports in preparations for the embarkation of the Spanish Troops, as the Governor advises me of his being ready to evacuate and deliver the Province of W Florida – You will consult with the Governor as to any arrangements in the Transports which he may consider as contributing to the comfort of his Officers and Troops, and which you will direct, provided they are not unreasonable.

The component part of the Spanish Ration you will perceive differs materially from the Americans laid in – If the Governor desires any change and it can be effected in Pensacola by an exchange of any part of the American, for the part of the Spanish ration preferred: you are at liberty to do so.

The two dollars a day to Officers for their private tables, I deem inadmissable

but am willing to issue to the Officers for the voyage agreeably to the regulations of our Army. To wives of Officers, civil Officers and their wives 1½ Rations per day conformably to the Spanish practice and 1 Ration to each servant — wood and water &c. will be laid in abundantly —

15 days rations on board of each vessel is deemed sufficient of Salt provisions, but provisions will be made by you for two days rations of Fresh beef to be placed on board the day the vessels sail, with vegetables sufficient to make up complete rations, provided they are to be obtained.

I am Sir very Respectfully
Yr most Obdt Servt
(signed) Andrew Jackson

Major Henry Stanton
Qr. Master
Pensacola

Genl. Jackson to Major Henry Stanton Q. Mr. U. S. A.

Manuels 23d June 1821.

Sir/

I have this day sent to His Excellency Don Jose Callava an article of Agreement relative to the transportations to be furnished the Spanish Troops to the Havana — They are such as not to interfere with the previous instructions given you on the subject — I enclose you a copy for your government. You will understand distinctly that the Artillery which I do not object to being transported, provided it is perfectly convenient, must be field Artillery, not dismounted from the permanent batteries and converted into such, but what has hitherto been in use as field Artillery, ~~dismounted~~ disconnected from the permanent batteries, forming a part of the moveable arms of the Troops to be transported. The number of pieces to be transported should not exceed likewise the number which could be used by the number of Field Artillerists among his Troops. —

As soon as the Transport in the Bay is ready; you will offer her to the Governor; ascertain the number of Individuals & men she can accommodate, have them designated by the Commandant, have the provisions conformable to the understanding stowed away and every preparation completed for the embarkation of the Troops at a moments' warning — As soon as the other transport arrives, you will have her instantly prepared for the balance of the Individuals to be transported. ~~The Governor of Florida~~

The Governor of Florida reports that he will be prepared, if we are, to embark in 6 days at farthest after the return of the Transports from St Marks; our preparations must necessarily therefore be made previous to their return; and if the Governor will consent, the heavy baggage of the Troops may be embarked at once, and to prevent any complaints — the property placed on board should be under their own guards, as well as the provisions when turned over. An Inventory will be taken of the Provisions placed on board of each ship signed by the Officer to whom it is turned over and countersigned by yourself — A List of the individuals embarked will likewise be necessary, designating the Civil from the Military Officers and their

families as well as servants, to be certified by the Spanish Governor or Officer he may appoint to concert the necessary arrangements with you.

Give me the first intelligence of the arrival of the Transport sent for and inform me as opportunities may offer, your progress in preparing the present Ship for Sea.

Yr Obdt Servt

(Signed) Andrew Jackson

Major H. Stanton
U. S. Army.

Genl Jackson to Major Henry Stanton - D. m. U. S. A.

Manuels July 6 ~ 1821

Sir/

By Captn Call last evening, I recd your letter of the 5th instant and I regret the inclemency of the weather that retards the unloading of the Lucy Ann, we cannot command Neptune, but when the waves and weather permit, I have full confidence not a moment will be lost on your part; and I have the pledge of the Governor that no delay shall be on his part.

You will please to remark, that you are the Judge whether the field artillery, as such designated by you, can with convenience go on board the Transports, if they can, being but small and few in number, it is my wish that they be permitted to be put on board by the Spanish Garrison as it will be gratifying to the Commandant, and no injury to us ~ I make this remark now, from the intimation of Capt Call that you have not been instructed on this point heretofore in which I think he is mistaken ~ When the weather will permit, you will please notify the Commandant that you are ready to superintend the embarkation of the Artillery and heavy baggage of the Officers and Troops, and if you perceive any disposition of delay on their part, have the goodness to remark, you are instructed by me, that you have the pledge of the Governor that no unnecessary delay shall take place, that we are paying the demurrage on our vessels, and I calculate on expedition whenever the weather will permit.

On the subject of the Inventory to be taken of the Ordinance &c a caption has been agreed upon by the Governor and myself, which will be handed to you by him or his Officer appointed to act with you on this occasion. It is to be in English, and expresses the cause of the Inventory being taken, to wit, that they are claimed by me as passing to the U. S. under the term Fortification as used in the 2nd article of the Treaty. The Governor claims them as not

being specifically ceded in said Article of the Treaty; this subject, with the provisions furnished, and all subjects of Spain furnished, and with transportation, other than the Military Officers, troops and their baggage, are to be referred to our respective Governments for their decision. The Ordnance &c remaining with the U. States. From which you will see, that it will be necessary to have a roster of the Officers and Troops, and the Civil Officers, with the wives and Servants of the Officers; and a receipt for the provisions furnished, all signed by the Governor or proper officer appointed by him for that purpose — I would send you a Copy of the heading of the Inventory, but as the one agreed on is in the possession of the Governor made out in English, he will give it to you, and the quality and Calibre of the Guns must be mentioned, as well as the quality of all Ordnance Stores appertaining to the Fortifications &c which, are noted in the ~~Industry~~ Inventory.

I am Sir with great respect
Yo mo Obt Servt.
(Signed) Andrew Jackson.

Major Henry Stanton
Q. Master.

P.S. It is intimated to me that an American prisoner in the Calaboza is intended to be taken — You will permit no american whatever to be put on board the Transport vessels — I have been and am still very unwell, insomuch that it is difficult for me to write.

(Signed) A. J.

Pensacola 1 August 1821.

dear Sir/

I have translated the Inventory which, together with a private note you sent to me yesterday, to be signed by the late Gov. Callava of this Province, Dn. José Callava. That gentleman, after having taken a full and accurate view of the subject, has directed me to make you the following answer.

That by the communications of His Catholic Majesty's Minister Plenipotentiary near the Government of the United States, as well as thro' the channels of the Captn. General of the Island of Cuba, he (said Governor) has been officially informed that the provisions for the transportation of the Spanish Garrison from this place to the Havana, were to be furnished by the U.S.; that he has not been entrusted with the reason or consideration for which they have been furnished, and consequently that in no document is he at liberty to mention any thing more than that they have been furnished, and consequently by the U. S. — That taking for his

guide the facts above stated, and confining himself to that line of conduct which it is the duty of a Subaltern to observe, he has extended the document from its its simplest form to the utmost limits of which the state of the case would admit, and that he cannot add, subtract, or alter, a single word in it. He regrets extremely that it is not in his power to gratify His Excellency the General, by making in that document the transformation requested by him.

I remain with great respect,
Yr most Obdt Servt
(Signed) José Y. Cruzat
Lieut Louisa Regiment

Mr Henry Stanton
Dr. Mr. U.S.A.

Pensacola August 2nd 1821.

Sir/

In compliance with the wishes expressed in Your Excellency's note of this morning directing me to state particularly to Your Excellency my understanding as to the conditions on which provisions were furnished to the Spanish troops for their subsistence from this place to the Havn. I have the honor to inform Your Excellency that I have, in the frequent conversations with Your Excellency on the subject and by Your Excellency letter of 6th of July understood distinctly that it had been agreed between yourself and Govr. Callava that the provisions, not being provided for by the 7th article of the late Treaty were to be placed on the same footing with the Ordnance left in Your Excellency's possession: subject to the future decision of the Governments of Spain and the United States.

In Your Excellency's instructions to me of the 23d of June, it was stated that an Inventory of provisions placed on board of the Transports would be taken, signed by the Officer receiving it, and countersigned by myself. In compliance with this intimation, the enclosed Invoices was transmitted to Govr. Callava through Don Manuel Garcia on the 16th of July — It was at the time, my opinion that the form of this Invoice was such as your instructions indicated, but it was not my intention to accept of any receipt until it had been submitted to Your Excellency for such amendment, as Your Excellency might have thought proper to suggest.

On the morning of the 17th the day of the surrender to the American authorities of West Florida, It was stated to me by Mr. Cruzat Secretary to the Spanish Governor, that as His Excellency was seriously indisposed; and had much business to transact during the morning he wished to delay the execution of the receipt for

the provisions, as well as the statement required from him of the number of Troops &c actually on board the Transports, until a more convenient moment, when they would be duly executed. — It is not possible for me to state to Your Excellency the precise terms used by Mr Cruzat: but they were such as to create a confident belief, that the unsettled concerns alluded to in our conversation, would be adjusted agreeably to the understanding which existed between Your Excellency and Governor Callava; and to the satisfaction of all concerned. This conversation; and request was reported by me to Your Excellency; and the delay desired by Mr. Cruzat, granted.

A copy of the instrument furnished by Gov. Callava relative to the provisions is herewith enclosed.

I have the honor to be
with the highest respect.
Yr Excellency's Mo. Obdt Servt.
(Signed) Henry Stanton
Quarter master U. S. A.

His Excellency
Major Genl Jackson
Gov of the Floridas &c &c

General Jackson's instructions to Dr J. C. Bronaugh — and Major Henry Stanton ———

Pensacola August 3d — 1821.

Doctor Bronaugh and Major Stanton will wait upon Col Callava late Governor of West Florida and its dependencies and present Inventory for provisions Transportation for the Civil Officers, their families and Servants, and the families and servants of the Military Officers, which are not stipulated to be furnished by the United States by the 7th. Article of the Treaty with Spain, but which have been furnished by Major General Andrew Jackson, Commissioner appointed by the President of the United States to take possession of the Floridas and which is in strict conformity with the agreement with Don José Callava, Commissioner on behalf of Spain, and in strict accordance of the express stipulations contained in our correspondence on that subject, all which were to have been executed by Special agreement on the 17th July last; but on application of José Cruzat, Secty of Governor Callava to Major Stanton on the morning of the said 17th July 1821, and representing to him the indisposition of His Excellency and the great press of business on his hands, requested that it might be postponed until a more convenient time, when His Excellency's health should be better; giving assurances that the said inventory and receipt should be satisfactorily ~~adjourned~~ made, agreeably to our agreement; upon this pledge and assurance Major Stanton gave time with my approbation.

(This correspondence carried over to page 189)

Pensacola Augt 8th 1821

To Genl Andrew Jackson
Governor of the Floridas

Sir

Pursuant to your orders transmitted me through Col James Gadsden I have the honour to report my arrival at this place, and take pleasure in informing you that I received and occupied the Province of East Florida agreeably to your instructions of the 10th day of July last.

Accompanied you will receive a Book containing the correspondence between Governor Coppinger as Commissioner & myself, in which the preliminary arrangements for the delivery of the Province under the Treaty are set forth and you will also receive the Official Documents of the interchange of authority formally executed as will appear by reference thereto.

The Receipt of Capt J R Bell herewith inclosed will apprise you of what documents were received relating to the sovereignty of that Province, and those relating to Private Property are held by Governor Coppinger as Hostage under his sacred pledge, subject to the decision of the respective Governments, as will appear from the correspondence.

I have also the satisfaction of handing you an Inventory of the Public Property of every description received by me accompanied with plans and charts of the same together with the Fortifications and public Edifices.

I deem it necessary to inform you that I have forwarded for the information of the Secretary of State copies of the correspondence had on this subject together with an Official and original document of interchange of the authority authority & I submit for your perusal copies of my letters to him of date the 11th & 13 ult.

Owing to the absence of the Secretary appointed for East Florida I filled up the provisional Commission

transmitted me by you with the Name of Capt I B Bell as commanding Officer and gave him such instructions as I deemed proper growing out of your communication relative thereto copies of which he will transmit you. The documents destined for Mr Worthington were also handed over as instructions for Capt Bell until the arrival of the former, when the Provisional appointment will cease.

I shall furnish you at an early day with the account of disbursements made by me all of which have their proper Vouchers except for those made in travelling and for which no vouchers could be obtained. I have therefore substituted my official certificate as to the amount which will accompany the account numbered as a Voucher to that item — The circumstances under which I left Tennessee; the season of the year added to immense rains which have always kept the Southern Country in=undated, rendered my passage to Augustine, long, dangerous and fatiguing, and the route thence to this place although not impeded by high waters, was necessarily long and very oppressive from the heat of the weather and state of the Country over which I had to pass.

In the execution of the important duties with which you honored me, I have adhered strictly to your instructions, as far as they were applicable, and have under such circumstances as they did not provide for, I have been governed by that principle adopted in early life, the preservation of my Countrys honor and scrupulously just to her interest (as they have in every other)

Should my services on this, Occasion meet as they have on every other meet your approbation, I shall feel myself recom=pensed in a manner that will throw mid day beams upon the shade attempted to be cast upon over my name in the Register of the Army in the late Reorganization.

I have the honor to be with
Respt yours
(Signed) R Butler

Pensacola Augt. 8th 1821

Sir

Your report of this day is just received giving me the pleasing intelligence of your arrival and that on the 10th day of July last you occupied the Province of East Florida, in pursuance of my instructions by Col. James Gadsden.

I have examined with great satisfaction the report of your whole proceedings, as Commissioner under the 2d. Article of the Treaty with Spain to take possession of East Florida with all its dependencies and it gives me pleasure to say to you on this occasion, as I have had the pleasure of saying to you on many other trying, that your conduct in this is fully approved.

It has been a great source of regret to me as it must be to every feeling Soldier, to see the manner in which you and five other meritorious Officers have been abused by the unusual and unmilitary recommendation of the board of General Officers and placed on the Register of the Army but the General emotion and disgust produced on the minds of every impartial Soldier and Citizen instead of attaching disgrace to you, and the other Gentlemen against whom it has been leveled will recoil upon those who have been guilty of this unjust and unmilitary procedure.

In justice to those meritorious Officers I could not refrain from making my feelings known to the President of the U States, and I applaud your determination never to permit yourself to be thus disgraced, by permitting or consenting and afterwards remaining in the service of the Prest.

The ashes of your forefathers, who like you fought many battles in defence of their Country, and now slumber in the dust, would rise up and reprobate so disgraceful a condescension, when that Country whose banners in the day of battle, you have so often and so nobly defended, attempts to tarnish the reputation

of your name, abandon its service, if you have to quit for a support.

Wishing you all that happiness which gracious heaven can bestow believe me to be

with sincere esteem

yours &c

Col R Butler } (Signed) Andrew Jackson
Governor of the Floridas

To the Hon. J. Q. Adams. Secy. of State

Pensacola August 4th 1821

Sir

I have the pleasure to inform you that Col Butler reported to me his arrival here on the 8th ulto and that he had on the 10th ulto agreeably to my instructions, received possession of East Florida and its dependencies, and that he had forwarded to you a full report of all his proceedings, as Commissioner for receiving the same — you will find from my instructions that I had communicated to him, the agreement with Don Jose Callava, respecting the ordnance claimed by him as only appendages to the Fortifications and also as to the provisions and transportation of the civil officers and of the transportation of the families and servants of both the civil and military officers, all of which was well understood by the Spanish Governor and myself here, and has been arranged accordingly agreeably to my instructions by and between Col Butler and Governor Coppinger in the delivery of East Florida, and referred for a decision to our respective Governments. I am happy to find that Col Butler has conducted himself in this whole

negotiation

with his usual ability and prudence, and which I hope will meet with the approbation of the Government.

Col Butler reports further to me that before he left St. Augustine, he was confidently informed that Governor Coppinger, in the last six months had been issuing grants.

New grants are daily appearing here for lots laid out in the Public Square of the City of Pensacola, sold by Govr. Mazot. Seeing this I thought it my duty to order that no improvements should be erected in the Public Square until their rights ~~should~~ were be decided upon by our Government; many of these lots have been enclosed, a circumstance injurious to both the health and beauty of the town, and to those who have heretofore purchased as was believed fronting the Square. There are many and flagrant frauds committed and commiting with regard to grants for land and it is believed that the reason why the Archives were not delivered to our Agent at Havanna agreeably to the Treaty, was to enable Don Vitor Pintado Surveyor General of West Florida, and said to be of very loose morals to fabricate certificates and grants to any that would pay him for it, and to keep secreted the old records which might lead to a discovery of the frauds.

Since 1818 John Innerarity has obtained as I am informed two grants for ninety thousand acres of land located on the trace which I made in marching my troops from the Apalachicola to Pensacola in the year 1818 and on each side of said trace. As I am advised he got his information from Col W P Anderson of West Tennessee who obtained it from some of my Officers. I have seen the bond securing to Col Anderson one half of these two grants when obtained and I am informed the grants bear date in 1817 — There is now sufficient proof that these grants are antidated, if there was any legal tribunal to legally investigate them. I have again to suggest to the Government the necessity and propriety of appointing Commissioners for the adjudication of land claims

in the Floridas, who should be men of good information great integ. and energy of character, as great frauds will be imposed upon the Government, and no lands will be left by which to raise funds to meet the demands gua=ranteed by the treaty, to be paid to our Citizens for Spoilations committed by Spain— It behoves Congress to pass a law that will enable these commissioners to detect the many frauds that will be attempted.

My report will give you full information of the perfidy attempted to be practised upon me by the base=faced violation of the Pledge and agreement of Don Jose Callava, which I trust will recoil upon him self and Nation— I was well apprised of Spanish treachery and duplicity, but it is to be regretted that although my Quarter Master was frequently advised to beware of them, he could not believe that any man whoes sholders were adorned with Epaulettes could be so base

I have the honour to acknowledge the receipt of your letter of the 27th of June, in answer to mine of the 24th of April and the 1st 7th 9th and 30th of May.

I have only to observe that Majr Stanton chartered the Transports with drafts drawn by me on you, and that his duplicate receiptes receipts was was enclosed to you under cover of my letter of the 16 day of July last. Col Butler having arrived will put it in my power to make up my accounts to the first of Augt. a duplicate of which I will forward by mail to you, and in due time will send on the accounts and Vouchers by Doctor Bronaugh. when I will endeavour to send on a further report of the state of this Country and East Florida with all the information that I may conceive it necessary for my Government to be informed of.

I enclose the organization of the civil Government here on the 27th Ulto and on the 28th dispatched an express to St Augustine with the Ordinances I thought it necessary to adopt. I found nothing here but an Alcald who was a half Pay Officer and who could not retain the office without resigning his Spanish military Commission and taking the necessary oath of office under our Government. this he refused to do and I prevailed upon Judge Brackenridge to accept this appointment; he has given great satisfaction to all and particularly to the Spanish population of this place and I can with truth say that as much order at present prevails in Pensacola as I ever saw in any Town. My health has not been good, my labours have been arduous, and my exposure to the heat in Camp for some ~~time~~ days very injurious to my constitution, but I hope a little leisure will restore me

I am Sir
Yours &c

The Hon
J Q Adams
Sec of State

(Signed) Andrew Jackson
Govr of Floridas

P.S.

I herewith enclose to you the instructions I had forwarded by Col Gadsden to Col Butler, which did not reach him but a few hours before the delivery of East Floridas and after the Col had closed his arrangements with Governor Coppinger but think it necessary to forward them to shew you ~~that~~ at that early day the full understanding between Governor Callava and myself on the subject of the Ordinances and the Provisions &c furnished by me and to be refered to our respective Governments

Yours Respectfully

Mr Edward A. Rutledge,

Sir,

I do hereby nominate and appoint you Translator of the Spanish Language for me, as Commissioner duly appointed under the U. States, to take possession of the Floridas, agreeably to the Treaty with Spain, concluded at the city of Washington on the 19th day of February, 1819, — with all the emoluments which may be allowed by the President of the United States for the performance of said duty.

Given under my hand at Montpelier this 12th day of May, 1821.

(signed) Andrew Jackson,
Commissioner, &c.

Attest. — J. C. Bronaugh,
Private Secty.

Pensacola – August 13th 1821 –

To Wm. G. D. Worthington, or Capt. John R. Bell, exercising the powers of the Governor of East Florida

Sir,

On the 20th ult. I dispatched as express Capt. Hanham to you with sundry ordinances that I found it necessary to adopt for the better organisation of the Floridas. The ordinances are only a declaration of what the Spanish law really is, and what its operations under the Cortez would have been – the constitution of Spain providing for the trial by Jury in criminal cases, altho' never extended to the Colonies, because the Treaty ceding the Floridas was concluded before the constitution was adopted and carried into execution in Spain.

When I took possession here, I found nothing but an Alcalde, which was filled by a Spanish military officer, who could not therefore hold it under our Government. I appointed an Alcalde, Judge Brackenridge, in whose custody all Archives &c. were placed. Finding that a Cabildo had once existed here, I ordained the establishment of it, in that of a Mayor and aldermen of the City, adding a board of health to it, and there being no Judge, I created a County Court with the powers that this court would have held under the constitution of Spain, and that of the U. States.

Col. Butler reached me upon the 8th instant and reports, that, he found at St. Augustine an Alcalde, a Cabildo and a Judge, all in operation. This will afford you great relief in carrying into effect the ordinances sent you by Capt. Hanham. In every instance where the incumbents in office will take the necessary oaths of office, and are in your opinion of good moral character, and fit for the office, you will continue them. I have found but few here of the Spanish Inhabitants that would accept of offices under our Government, not having determined of themselves whether they would become citizens of the U. States, and believing that taking an oath of office would be considered their election to become citizens, have in most cases been refused.

It is necessary on the change of the Gov-

— ernment, that all officers who are to execute it under the United States, should take the necessary oaths of Office, and when this is refused, you will fill the vacancies they occasion- -ed by new appointments, even when the old incumbents will remain, and especially in the latter case, for as Spanish officers they cannot execute the Government under the United States.

This will be handed you by Mr. Bird, who has the appointment by the President of the U. States, as Attorney for East Florida —

I am Sir, with great respect

Yr. Mo. Obdt. Servant,

Signed, Andrew Jackson

Governor of the Floridas

Note.

We the undersigned do hereby certify that at noon on this day, 16th August, 1821. as Genl. Jackson was about to forward his Dispatches to the Govt. of the U. S. Capt. B. Prieto, Aid-de-Camp to Don José Callava, late Commissioner on the part of Spain for the delivery of West Florida, presented himself, in our presence, before Genl. Jackson, as the bearer of a communication from said Spanish Commissioner to Genl. J. which the latter refused to receive, without having previously delivered to him in the form required the certificate of receipt of the Provisions furnished by him to the Spanish Troops for the voyage from this place to the Havana, and the transportation of civil officers, &c. which provisions and transportation were not stipulated in the 7th Article of the late Treaty between Spain and the U. S. to be furnished by the latter. That Genl. Jackson declared as the reason of his refusal, that the above mentioned certificate had been promised to be delivered in proper form with the solemn pledge of José Cruzat, Secretary to the said Commissioner, upon that Gentleman's representing on the morning of the 17th of July, that said commissioner, from sickness and extreme press of business, could not furnish the above certificate in time for the ceremony of giving possession;- which promise and pledge had been disregarded and violated. We further certify that upon Genl. J's refusal to receive the communication referred to, Capt. Prieto withdrew, and a short time afterwards returned, stating that he had been instructed by Don J. Callava to request of Genl. J. to reconsider the subject, as it was one of great importance, and that he would be obliged, should Genl. J. persist in his refusal, to report the circumstances to his Government. That Genl. J. replied simply by a repetition of what he had said before, viz. that the sole condition on which he would receive the late Spanish Commissioner's communication was the previous delivery on his part of the certificate in question drawn up in the form which the tenor of the correspondence required; upon which delivery he would receive any communication which Colonel Callava might make: when Capt. Prieto took his leave.

Col. Augs. Rutledge.
Actg. Interpreter.

Lieut. Andw. J. Donelson

Robt. Butler
[illegible] U.S. Army

Pensacola Augt 20 ~ 1821.

Sir/

I have the honor to acknowledge the receipt of Your letter of the 6th. of July ulto. informing me that you had remitted to the U.S. Bank at New Orleans, Ten Thousand dollars, in drafts at Thirty days, with directions that it be subject to my orders.

I am, with great respect,
Yr most Obt Servt.
(Signed) Andrew Jackson

The Honble.
John Quincy Adams
Secy of State of the United States.

Pensacola August 20 ~ 1821.

Major Stanton will furnish the Commanding Officer of the Barrancas, with Twenty five Sheep Skins of a good quality, to enable him to repair the Sponges of his batteries which are entirely unfit for use.— The Officer commanding is charged with carrying into effect the quarantine regulations and for the want of Sponges cannot place his Water Battery in a state necessary for this important purpose, or even to prevent a pirate from entering the Harbor.—

(signed) Andrew Jackson
Governor of the Floridas
&c &c

Memorandum.— On application being made, to-day, 22d August, 1821, by Domingo Sousa (accompanied by the Officer of the Day, Capt. Dade, in whose custody he was) to Col. José Maria Callava, late Governor of West Florida, for the delivery of certain papers which had been demanded of said Domingo Sousa by Col. Walton, Judge Brackenridge, and Col. Miller, in virtue of an order from the Governor committed to them, issued in consequence of a petition from the parties to whom those papers were claimed to belong, and which the above-named Gentlemen saw and identified in the possession of said D. Sousa, but which said D. Sousa stated on examination to have been carried by his order to the house of said Col. Callava, and then delivered by himself in person into the charge of the Steward of Col. Callava, by name Fullarat —— Capt. Dade reports that said Col. Callava made reply that the aforesaid D. Sousa is an officer acting under his orders, and that if the Governor desired to have the papers in question in his possession, he had to request that his application would be directed to him in writing.

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Pensacola 26th August 1821

Sir/

The enclosed documents, will advise you of an occurrence, painful to me, but unavoidably necessary and dictated by the imperious rules of justice, to save the unprotected orphan from being ruined by the most cruel oppression, by the most corrupt and wicked combinations, I ever investigated.

In the reestablishment and resuscitation of the Judiciary in West Florida and performing the various distributions of the judicial functions, I had indulged the hope, that no cases would occur to compel me to exercise the judicial powers with which I was invested, by my Commission from the President.

I was well aware that much corruption existed in Spanish Judicial proceedings, but still my mind was not prepared to expect such a scene of combined wickedness and corruption, as has been brought to light by this investigation, and which the enclosed extracts taken from the official documents on record and certified by the Alcalde of Pensacola, exhibits. They relate to the succession or Estate of Nicolas Maria Vidal who died in this place about the year 1807 having made his will, leaving persons in this Country his heirs, but who from that time to this day, have never received one cent of their inheritances. It was this case which gave rise to the proceedings alluded to marked No 1 and to which I beg leave to refer you.

The document No 2, is an abstract of the whole proceedings instituted by the heirs for the recovery of the testamentary papers, and other documents relative to the Estate of their deceased father, and for the recovery of which, I was compelled to ~~—~~ exercise my Judicial functions and to take the energetic measures I did, and which were well warranted by the laws of Spain as well as by those of the United States; and which could alone have preserved to the heirs of Vidal the evidence of their right of property. without these records they would have been unable to compel the house of Innerarity and Forbes, the depositary and debtor of the Estate, to do them right and Justice. This act of Justice was due to them by every law, human and divine. By the Second article of the late Treaty with Spain this right was expressly guaranteed, and under that article Col Callava as the Commissioner of Spain, was bound to deliver these documents as the evidence of the right of property here, at the time of his surrendering the Country, and with other papers which ~~he had~~ did deliver.

It is clearly to be perceived that the influence of John Innerarity prevented all the decrees of Callava, as well as of his predecessors, in favor of the heirs of Vidal, from being executed: thus exhibiting a judicial mockery without example. And by the influence and acts of this man (and as some have it, by his gold) the final attempt was made, secretly, to carry away the papers relating to this large estate, by this means shielding Innerarity from all responsibility to the heirs, and enabling him to continue

in undisturbed possession of property to a very large amount, so unjustly, corrupt-ly, and fraudulently obtained.

I have reason to believe that Callava would not have ~~persevered~~ presumed to have stood out in contempt of my order, but that he would have delivered the papers when first demanded, nay that he would have directed Domingo Sousa to have done so, had he not been urged to this obstinate resistance by some of our American Citizens, under the impression that I would not, nay, durst not, commit him for the contempt. This, added to the influence which Innerarity had over him, who was continually by his side, and I am convinced urging him to withhold the papers from a belief that their production would unfold the villainy practised, make him responsible to the heirs and destroy both his character and that of Callava. It was no doubt this conviction, which caused him to make the involuntary ex-clamation, (when my order was read to Col. Callava by Col Butler, and when told on his refusal to deliver the papers, proven to be in his house, that he must appear before me,) that "the dye was cast" — Yes, he said truly, the dye was cast, for he must have clearly seen, that the arts, the influence, the wealth, the power of no individual, not even of Innerarity himself, could any longer obstruct, the pure channels of justice!

I have to regret that the conduct of some of our Officers on this occasion, was highly reprehensible — and that in particular of Judge Fro-mentin, unaccountable, indecorous, ~~because from an interview with him on the subject~~ and unjustifiable; I have said indecorous, because from an interview with him on the subject of his jurisdiction and powers, under his commission, and instructions, it was well understood, that the former only extended over the Revenue laws, and the acts of Congress prohibiting the introduction of slaves. My commissions and instructions, had been shewn him, and he had ~~&~~ acknowledged all other judicial powers to reside in the Alcalde, and in other judicial jurisdictions under me as well as ~~in the~~ those with which I was invested by the President. After this clear understanding between us, and his being instructed to aid ~~him~~ me in the ad-ministration of the Government, to attempt thus to oppose me, without even giving me notice, or making enquiry into the nature and cause of my proceed-ings — to issue what he calls a writ of Habeas corpus, without petition or affidavit or oath of any kind and that on the application of Innerarity and of some Spanish Officers, the former interested in the destruction of these papers, was such an act of indecorum and contempt of my au-thority, displayed such ignorance of his duty, to say the least of it, as caused me to notify him to appear before me and shew cause why he had attempted this improper interference with me, in the exercise of my judicial powers. The time when the interference was made renders his conduct still more reprehensible. He did know that opposition by force had

been threatened by Callava and his Spanish Officers, to my authority, and as they had a right to believe, by some of my Officers! This, as you will discover, I put down, as it ought, and the lecture I gave the Judge, when he came before me, will I hope trust, for the future, cause him to obey the spirit of his commission, aid in the execution of the laws, and administration of the Government, instead of attempting to oppose me under Spanish influence.

I enclose you a copy of the paper he calls a writ of Habeas Corpus; if the view of this paper does not furnish sufficient evidence of his incapacity for the office of as a Judge - if it be not sufficient to strike him from the Role of Judges, I must say, that ignorance of law, is no objection against any one's holding a Judicial station, however high and important. Judge Fromentin was represented to me, to be no lawyer, but favorably spoken of as a man of literature. But I could not have formed such an idea of his want of legal knowledge as this transaction displays; I am therefore more inclined to think to ascribe his conduct to weakness, than to any other cause.

You will perceive from the whole of the proceedings, that energetic measures were unavoidable, that my authority was attempted to be set at naught, and my orders and decrees treated with contempt. I could not view Col. Callava in any other light, than that of a private individual, charged with violating the rights of others and setting my authority at defiance. I could not distinguish him, or his situations, from that of Domingo Sousa, or of Fullarat, his Steward. These, by Callava's orders had treated my authority with contempt, and Callava had not the magnanimity to relieve them by acknowledging the papers to be in his possession, even after positive proof was had of the fact, that they were so. I did believe, and ever will believe, that just laws can make no distinction of privilege between the rich and the poor - and that when men of high standing attempt to trample upon the rights of the weaks, they are the fittest objects for example and punishment. In general, the great can protect themselves, but the poor and humble require [illegible] the arm and the shield of the law.

Col Callava's powers having ceased here with the surrender of the Country, it was only a display, and so considered by me, of pompous arrogance and ignorance, in his claiming the privileges of diplomacy, which in fact he never possessed; and his powers having ceased, his commission accomplished, the pretensions which he set up, was an insult to the weakest understanding. There are other and many complaints by the Spanish subjects, who remain here, of documents relating to private property, being missing from the alcaldes office. If proof is had where

they are, demands will be made, and I hope the precedent set, will prevent the necessity of again exercising these painful measures to coerce their production. But should such occur, I shall not shrink from my duty, however painful it may be to my feelings to exercise such authority for the security of those individuals, who, under the Treaty, look to our Government for the protection of their rights.

I enclose a memorandum marked No 3 which ought to have accompanied my last communication to you, and which records an occurrence that took place after the closing of my despatches of the 30th July concluded the 14th ~~august~~ inst. and at the moment of their departure. This communication I could not receive until the inventory of provisions &c &c agreeably to Callava's agreement and the pledge of his Secretary, with the proper receipt, was delivered. —

Enclosed you will receive an abstract of my accounts up to the 14th August. In the month of October you will receive the whole by the hands of Dr. J. C. Bronaugh, who has acted as my Private Secretary, with all the necessary vouchers for closing my accounts.

I have the honor to be Sir
with great consideration and respect
Yr most Obt Sert —
(Signed) Andrew Jackson
Governor of the Floridas
&c &c &c

P.S. I send you a Newspaper containing an Ordinance "for the better regulation of the Harbor of Pensacola" and another regulating the Fees of Justices of the Peace, both of which have been passed since my last communication and from my ill health and great press of business I send you thro' the paper enclosed.

The Honble
John Quincy Adams
Secty. of State.

Pensacola August 24 – 1821

Sir/

The following are the facts supporting my application to Your Excellency in relation to papers which as Alcalde, and Specially commissioned Keeper of the ~~Ordinances~~ Archives delivered in virtue of the Treaty with Spain, I conceived ought to be placed in my charge, and which no individual had a right to retain.

Shortly after my appointment an application was made to me by a free quatroon woman of this place who stated that she was one of the heirs of Nicolas Maria Vidal, formerly the Auditor de guerra, or Judge. She placed in my hands a number of original papers and decrees which evidently could not be properly retained by me. On examining them I found that they principally consisted of petitions on the part of the part of the heirs of Vidal, praying the interposition of the existing authorities to compel John Innerarity to restore to the archives, the papers, relating to the Estate of their deceased fathers, so as to enable them to substantiate their claims against the said Innerarity. These were followed by repeated decrees but without effect, at least from ~~that~~ aught that appears in these proceedings. From others of these document it would appear that they had been restored, various decrees in favor of the heirs had passed to ~~but~~ but since July 1820, nothing seems to have been ~~made~~ done in consequence, as I am informed of the departure of Auditor or Judge. I did not find the papers in the Office and I did not know until afterwards informed by Merced Vidal where they were. As they related to property in this Country, and were necessary for the establishment of the rights of its inhabitants, it seemed to me self-evident, that they could only be lawfully in the possession of the Government, and that they might be taken wherever they could be found. About ten days ago Merced Vidal informed me that they were in the hands of one Domingo Sousa, formerly a Clerk in the Office, but that they were under the controul of the late Governor Callava, who had given her permission to copy them; but as they consisted like other Spanish documents, of the original papers stitched together, and were in seperate pieces, or unbound books, she could only be allowed to take one of them at a time. I told her to obtain one of them and bring it to me in order that I might be certain of the fact. As soon as this was done, and being well convinced of the truth of her story I made my application to you of the 21st of August, conceiving that the papers must be restored as no individual could possess them without the permission of the existing government.

From the following abstract of proceedings instituted by the heirs of Vidal for the restoration of these papers to the Archives, Your Excellency will perceive with how much difficulty this object was obtained. On the 29th of Augt 1817, a Petition was presented to the Governor by Caroline Vidal one of the heirs of Nicolas Maria Vidal, setting forth that since the sale of her deceased father's effects at public Auction. She is unacquainte

with the situation of his Estate, and prayed that the papers ~~delivered~~ relating to it might be delivered to her for this purpose, on her giving the proper receipt. On this there is a decree by Masot, dated 1st of Sept. 1817 then Governor, ordering the papers to be delivered to her under her receipt.

There then follows a Certificate from the Clerks, or witnesses, de asistencia, of their having waited on John Innerarity to demand the said papers, and were informed by his book-keeper that he was at the River Perdido. the demand is made, it is said in virtue of their having been delivered to him by the deceased Governor ~~Col~~ Zuniga.

On the 3d of the same month they again proceeded to the House of Innerarity, who repaired to the Auditors Office and prayed that eight or ten days might be allowed him, that he might search for them, as he did not know with certainty where his book-keeper had put them, at the time of the prevailing reports that this place was about to be surprized by the Insurgents— This appears to have been granted—

The next petition of Caroline Vidal is dated the 1st of Decr 1817, stating that notwithstanding the various solicitations on her part for the delivery to her of the proceedings following the decease of her father, so that by a sight of them she might know what was justly due to her, without which she would not be able to do so. She again prays that they may again be delivered to her on giving a receipt, and if not in the public archives, that it be certified in whose possessions they were— On this a decree was ordered by Masot again requiring Innerarity to deliver the testamentary acts of Nicolas Maria Vidal. The clerks accordingly made the demand of Innerarity, who replied that he had not yet been able to find them, but believed they had been sent to Mobile in a Trunk with other papers about the time this place was threatened by the Insurgents and if in his possession at all, they were at that place, but he was not certain whether he had not returned them to Don Francisco Gutieres de Arroyo;

The next petition of Caroline Vidal is dated the 28th of Feby 1818 renewing her demand for the delivery of the testamentary papers or acts of her father, enumerating the different evasive answers of Innerarity, and praying that if in fact they had been transmitted from Mobile to Havana by Arroyo, that they might be reclaimed from the Intendant. This prayer is quartered by Masot but does not appear to have produced any effect.

After this follows a Petition by Mercedes Vidal coheiress of Nicolas Maria Vidal, setting forth the solicitations of her sister, to compel Innerarity to restore the testamentary papers of her deceased father, in consequence of whose failure to do so the heirs have not been able to claim their rights under the will of their father. The Petition contains these words, "If a private individual could be authorized to take away from public Archives, papers of the greatest importance and then excuse himself on the ground that

they had been delivered to Peter or to John, and thus escape without any further trouble, nothing would be secure, and the laws of Justice and Society would be overturned" — And then praying that Innerarity be required for the last time to restore the papers, and that he be put in close confinement until he shall deliver the papers necessary to substantiate claims under an estate, which until now the heirs thereof have been unable to make. Then follows the decree of Governor Callava dated 31st March 1819, that the Petition pass to the Auditor, that the proper order be taken thereon. Upon this by order of the 5th of April 1819, Innerarity is required to restore the papers if in his possession, but this also appears to have been without effect.

The next petition of Mercedes Vidal, prays that the following interrogations may be put to Innerarity.

1st. Whether he is the depository of the Estate of the deceased Nicholas Maria Vidal, the petitioners father?

2nd. Whether Sixteen thousand acres of land in the District of Baton Rouge were sold at public Sale at that place and for what price?

3d. Whether the executor named in due form by the said Nicholas Maria Vidal, Christoval de Armas protested against the sale as a Nullity and in derogation of the rights of the heirs?

4th. Whether when the sixteen thousand acres of land were adjudged at public sale, Christoval de Armas did not demand the preference in behalf of the minors?

5th. To whom did John Innerarity give an account of the ~~fun~~ deposit placed in his hands?

6th. For what reason did Innerarity take away the testamentary papers and inventories, and other papers belonging to the succession of the said Nicolas Maria Vidal, and if on taking them out he gave a receipt and by ~~those~~ whose order they were given?

Then follows the order of Callava, dated 17 May 1819, that the petition pass to the Assessor. On the 18th there is the further order of Callava that John Innerarity appear at the Office of the Auditor, at Eleven o'clock of that day to answer to such interrogations as should be put to him touching the premises. He accordingly appeared and said, that in the possession of the Keeper of the Archives, or of any other person is there a receipt shewing in whose hands the documents claimed then were. If in other proceedings, he declared that he would look for them among his papers, it was from a belief that he had seen them in the possession of Francisco Arroyo who used to come frequently to his house. That they might have been mingled with some of his own papers and on that account he offered to make search for them among those in his hou

as he had formerly done, ask those he had at Mobile, but not having found them, he hoped that it would be considered sufficient. This is also accompanied by a formal writing from Innerarity in the nature of a demurrer, setting forth that under the laws of Castille he is not bound to answer, as no litigant can according to those laws begin by propounding questions to the opposite party, that proof should be brought against him, instead of compelling him to furnish evidence against himself — Then follows the order of Callava that it pass to the Assessor — An order is then given to examine the book of receipts to see to whom the papers were delivered — On which the Clerks certify that on examination of the Book of receipts from 1813, until the time of making the search — This application does not appear to have been effectual. —

The next paper is a petition of considerable length of Merced Vidal setting forth the manner in which the heirs of Vidal had for four years been kept out of their inheritance, in consequence of which they have been reduced to extreme poverty, the injustice they had experienced in the fraudulent sale of their Estate in the District of Baton Rouge, and their unavailing efforts, to obtain the testamentary papers of their deceased father, or to compel those to account, who had their property in their hands. Upon this petition there is a decree of the Auditor de Guerra of the 25th. of June 1819 — annulling on legal grounds the sale of the property at Baton Rouge and decreeing that the heirs be put in possession thereof — signed by Governor Callava — And in pursuance of this decree it is certified by the Clerks that they have delivered the Originals of this proceeding, in order that ~~they~~ it may be carried into effect; on which follows a writing addressed by Callava to the Judges of the District of Baton Rouge stating that the sale of the estate of Vidal in that district, to the prejudice of the interest of minors, has been set aside, but as his jurisdiction does not extend there, he sends the original proceedings had in his tribunal in order that the decrees therein may be carried into effect — dated the 26th. of June 1819 — From none of the foregoing proceedings does it appear that the testamentary papers had at this time been returned.

The next document in order, is a petition of Merced Vidal setting forth her repeated solicitations and those of her Sister, the continued evasions of Innerarity, of his perseverance in refusing to deliver up the testamentary papers of her deceased father, that at length forced by her continued petitions and those of her sister, he

had surrendered said papers to all appearance complete. That from positive data on the inspection of those documents, it appeared that they were entitled to have certain specified proceedings under the will, set aside, as irregular and fraudulent. That property to a large amount which had been left on deposit in the Ursuline Convent in New Orleans, had been seized by Forbes and Innerarity, and that no account had been rendered by them of the same; that a large sum of money had been placed on deposit in their hands for which they had not accounted. The prayer of the Petitioner is, that the proceedings under the will be annulled — That the House of Forbes and Innerarity be required to account &c &c

The decree of the Auditor Judges, follows at considerable length, declaring that the proceedings under the will, had been wholly irregular, and formed a confused mixture of one thing and another: a perfect Labyrinth, which could only be ascribed to the malice of some persons and to the want of a Letrado or legal Judge to direct the parties. The irregularities are then detailed at large. The Auditor then sets forth that in order to avoid confusion, there should be two seperate proceedings, one with respect to the demand of the heirs to annul what had been done under the will; the other requiring the house of Forbes and Innerarity to account with the heirs. The first, to consist of the former proceedings and this decree, and the documents on which they ~~were~~ are founded, to be seperated from the rest of the papers for this purpose — That before proceeding to the annulling of the sale of the Sixteen thousand acres of land at Baton Rouge it would be proper to hear the party at whose instances the sale had been made, that is to say, Don John Forbes & Company, which company is at present represented by John Innerarity: and that the proceedings with the previous instances in the name of the heirs, should be communicated to the latter. — As to the account demanded of Innerarity, and which had been demanded of him ever since the Year 1810, without ever having ~~given~~ been obeyed, he is required within ten days to produce the same in due form, and on failure thereof to be subjected to, what in such case would be executed by justice, and that within the fifth day he place in the Royal Treasury the sums put in his possession in the character of depository, together with the sixteen hundred dollars mentioned in page 65 of the proceedings. The foregoing dictamen or decree is ordered to be carried into effect in all its parts, — Signed Callava — 1st. of July 1820. —

The next and last Petition of Merced Vidal sets forth the foregoing decree that the time for the accomplishment of the same had elapsed, that nothing had been done by Innerarity to comply therewith — She therefore prays that execution may issue against the goods of Innerarity to compel him to comply with the said decree — That until the right of the petitioner can be established, the property of said Innerarity to be placed under an interdict until he shall exhibit an account of the effects sold in New Orleans, as expressed in the Governor's decree of the 1st. of July —

On this follows the decree of Callava of the 10th. of July 1820

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granting the prayer of the foregoing petition — This closes the proceedings, no further steps appear to have been taken since that time. There is a Petition of Merced Vidal on the subject of the decree of the 10th but no order is taken on it. —

I have the honor to be &c

Yr most Obt

(signed) H. M. Brackenridge

To Major Genl. And. Jackson

Pensacola September 1st 1821.

Sir/

I have this moment received your several letters of the 31st of July and the 4th of August with their enclosures, and regret that the shortness of time will not permit me to answer in detail. On the subject of the Archives I will barely draw your attention to the Second article of the Treaty with Spain, according to which all Archives or documents directly relating to the property or sovereignty of the Country are to be delivered by her; you will therefore forthwith on the receipt of this, if not already in possession of them, take them into your possession and place them in the hands of the Alcalde for safe keeping, and who ought to be like every other, a sworn Officer under the Government, and not a Spanish Officer ~~and~~ ~~the~~ owing no allegiance to the United States — All papers and documents in the possession of the Cabildo, and of course in the possession of American, and not Spanish functionaries, are to be retained, and none of them permitted to be culled and taken away.

I am gratified with the friendly expressions of the Cabildo of St Augustine, but I am sorry to find they have so entirely mistaken the sense of the Proclamation. Nothing could be more absurd than that Spanish Officers as such, should administer the Government. The true meaning is, that whenever the incumbent will take the Oath to support the Constitution of the United States and abjure that of Spain, and take the Oaths of Office, he shall be continued therein; the part of the Proclamation which enjoins fidelity to the Government of the United States, would otherwise be nonsense, and the Governor has at all times the power to remove ~~and~~ or dismiss him and supply his place. But this will not be done unless it be found that he is incompetent to his trust, or unfaithful, and whenever either is the case, this power for the benefit of the public ought to be exercised &c.

I have read Mr. Fitches report to you and discover that he has viewed the Constitution of Spain as in full force in the Floridas. This is not the fact. On the 4th of May 1814, by a decree of the King it was annulled and every act and decree passed in pursuance of it, declared illegal and void. It was never reestablished until 1820, after the Floridas had been ceded to the United States, of course, Spain could not legislate for a Country not her own.

The first act after the re-establishment of the Cortes was to recommend the ratification of the Treaty of cession, and no decrees of the Cortes were ever promulgated in the Floridas until after the Ratification of the Treaty. It would be strange indeed, if Spain could legislate for a Country whose sovereignty and property had passed out of her hands! The Act of Congress for the occupation of the Floridas, and my proclamation, will I think clearly shew that the Spanish Constitution was not taken into view; they are precisely similar to those which merely preceded the occupation of Louisiana - Besides the constitution merely provides for a frame of government, of which the Judiciary is a part, and a part which cannot be separated without being imperfect, and even this Judiciary was ~~was~~ never established in the Floridas by decree of the Cortes, not to speak of its entire incompatibility with the nature of your Constitution and Government - The mere circumstance of uniting in the same person the different Offices of Captain General, Intendant and Provincial Governors, and leaving it to the President to prescribe the manner in which the powers of the existing Officers shall be exercised, shews that there was no intention to pursue the Spanish plan of Government. The Ordinances heretofore sent you are intended to distribute and organize a Government approximating as nearly as practicable to that of Spain, and formed out of the powers with which the Spanish Officers were clothed. It must be borne in mind that altho' Spanish Laws and usages are in force, excepting so far as they ~~might~~ may be expressly altered, yet the Spanish Government has ceased.

Mr Fitch's ideas as to the power of the Judge appointed by the President so far as relates to the carrying into effect the Acts extended over the Floridas, are correct. But the Judge can exercise no other powers, unless specially given him by the instructions of the President. Such instructions have not been given, and I very much doubt whether the President could legally give them. There is no doubt that the person exercising the powers of the Governor of East Florida can exercise all the powers exercised under the King of Spain at the time the Country was ceded. The Governors of the Floridas exercised Judicial powers as late as the 10th. of July 1820. This was up to the re-establishment of the Cortes and the ratification of the Treaty, and to the very delivery of the Country, they exercised admiralty jurisdiction -

On the subject of the archives I have again to repeat that you will take them in your charge - Govr. Coppinger's powers having ceased with the delivery of the Country, he cannot be considered as respects the United States, any more than any other individual; he is not recognized in any Official capacity; he has therefore no right to demand any papers in the possession of the United States Officers; or to hold any official correspondence on any subject arising since the delivery, by which act his Official character as to us ceased, and even the subjects of difference which arose before the delivery were referred to their respective Governments.

Capt Willis is now here on his way to St Augustine; but fearful of not being able to reach that place before the Second Monday of this present month he has therefore halted, to hear from you whether the Clerk's Office for the County of St Johns is kept open for him - If it is, he will repair there as soon as advised of it at this place, and you will please to address him to the care

of Cary Nicholas Postmaster Pensacola —

On the subject of the Indian Agent, I have this day addressed a letter to the Secty of war on that subject enclosing Mr Penniers letter to him and Mr Dexters. Should you know where Mr Pennier is, please to inform him that I have been waiting for him to report to me in person, and that I have a letter from the Treasury Department for him.

I am with sentiments of respect.

Yr most obt Sert.

(Signed) Andrew Jackson
Gov of the Floridas &c
&c &c.

To Captn J. R. Bell
Or to such Officer as may be exercising the Government of East Florida.

Pensacola 5 of September 1821.

Sir /

On last evening I received enclosed from Captain John R. Bell, administering the Government of East Florida, copies of a correspondence between him and the late Governor Coppinger, which he advised me, had likewise been forwarded to you, for your instructions. I also received from him a Report from Mr Clark, late Surveyor General of East Florida which I enclose to you, together with my letter to Captain Bell on the subject of the archives.

In a communication from Captn Bell of the 4th August, I am advised that none of the Officers appointed by the President for East Florida, had arrived. —

I have the honor to be
Sir with great respect
Yr most Obd Servt.

(Signed) Andrew Jackson
Gov of the Floridas &c &c

The Honble.
John Quincy Adams
Secretary of State.

Pensacola – Executive Chambers 3^d Septr 1821.

Sir/

Your note by Mr Scott has just been handed to me, and I am truly astonished at its contents and in answer state, that when you appeared before me in the Executive Chamber on the 24th Ulto you ~~and~~ did then and there state and acknowledge that you had acted hastily, without due consideration and without proper information as to the ~~effect~~ of the case, upon the importunities of John Innerarity and some other Spanish Gentlemen and that had you been apprised that Col Callava had been committed by me, for contempt of my authority, that you certainly would not have interfered – And you further acknowledged that you had called upon me several times in a friendly way to advise with me as to your jurisdiction and that I had allways told you that it was my opinion, you had no other jurisdiction except as far as the Laws of the united States had by the Act of Congress, been extended over those Provinces, and that when I shewed you the powers which had been granted to me by the President of the U.S., you declared that there was no necessity for your ~~[illegible]~~ being here, and that you might as well return to New Orleans, and that I had replied that you had jurisdiction over the Revenue and the infraction of the Laws of Congress prohibiting the importation of Slaves. And you did then declare, that hereafter you would in no way attempt to interfere with my authority. There was likewise some conversation in relation to the powers of a Judge of the U.S. to issue a writ of Habeas Corpus in the States, except in particular cases, and I stated to you, that if you were in the States, you would have no right to interfere in the manner which you had attempted here and referred you to the Laws of Congress. If this Sir, was not an apology I know not what is, I viewed it as such, and dismissed you accordingly, under the citation, by which you were brought before me to shew cause &c &c.

I am Sir
with due respect
Yrs &c &c
(Signed) Andrew Jackson
Govr of the Floridas &c
&c

Eligius Fromentin Esqr
Judge &c &c

☞ Note – The letter of Judge Fromentin of 3^d Septr to which the above is an answer, is copied on page 210 of this Records. and is correctly transcribed.

John Coppinger Connor
Executive Clerk.

Pensacola September 3rd 1821.

Sir/

I have this moment received your second note of this day; the first, created my astonishment it is true; but the second, my indignation and contempt; for I did not suppose until your note now before me furnished conclusive evidence, that you were capable of stating a wilful and deliberate falsehood - that you have done so in your note of this evening I do assert, and the enclosed certificates of Col. J.C. Bronaugh (who was directed by me to pay strict attention to our conversation) and Mr. Rutledge fully prove. That you have the hardihood to deny that when you called at my house, that I did not send for my book to the Office, containing the record of my Commissions and instructions, and that I did not read the whole of them to you, shews that you are regardless of truth, and in this I do pronounce that you have stated another deliberate falsehood.

I have barely to add, that I recommend to you to keep within your legal jurisdiction and powers; whilst you do this, all your proceedings will be supported and all my aid given, that may be necessary to carry them into effect; but when you attempt to transcend them and interfere with my legitimate powers - recollect the admonition I gave you when before me on the 24th ultimo and attend to it, or you will be treated and punished as you may deserve, regardless of your boasts of blood flowing &c which pass by me as the fleeting breeze.

Here Sir (on this subject) our communication closes, as I am too much engaged to read yours.

I am Sir yrs &c.

(Signed) Andrew Jackson

To Eligius Fromentin Esq.

The letter of Judge Fromentin of 3d Sept. 1821 - to which the above is an answer, is copied on page 211 of this Record - and is a correct transcript. John Coppinger Connor Executive Clerk

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Pensacola 3 September 1821.

Sir/

Agreeably to your request I have the honor to state that I was present when the conversation took place between Judge Fromentin and yourself, on the 24th ultimo on the subject of his having issued a writ of Habeas Corpus, in the case of Col: Callava, and that I paid the most particular attention to every thing which ~~[illegible]~~ occured on that occasion, and that you have correctly stated the substance of that conversation, in a letter of this date which I copied, addressed to Judge Fromentin.

After some remarks made by you in relation to his improper

and indecorous interference in a case where your authority was attempted to be set at defiance, and that too by force of arms and while sitting in your judicial capacity, treated with contempt; Judge Fromentin did acknowledge, that he had acted hastily, without due consideration and without a proper Knowledge of the facts; that he had issued the Writ of Habeas Corpus, having been urged to it, by a number of individuals, and being requested to name them mentioned Innerarity La Rua, Brosnaham and some others, and declared that had he been informed that you had committed Col. Callava for contempt of your authority, while sitting in your judicial capacity, that the Writ of Habeas Corpus would not have been issued, and that for the future he should in no way attempt to interfere with Your ~~Excellency~~ authority or powers — I have the honor to be

Sir very Respectfully

Yo most Obd t Hle Servt.

(Signed) J. C. Bronaugh

His Excellency

Andrew Jackson

Governor of the Floridas.

I have attentively read the foregoing Certificate of Dr. J. C. Bronaugh and being present during the interview alluded to. do certify that it is minutely and Substantially true —

Signed Robert Butler —

Pensacola 3c September 1821.

Sir

In compliance with your request that I would explain to you my understanding of that part of the conversation which took place between Your Excellency and Judge Fromentin upon the appearance of the latter before you, agreeably to citation, on the 24th. ultimo relative to these points —: whether Judge Fromentin did or did not say, that, had he been aware of the circumstance of Col. Callava's commitment, he would ~~have~~ not have issued the Writ of Habeas Corpus in his favor as he had done; and whether he did or did not ~~say~~ declare that in the future excercise of his functions he would carefully avoid interfering with the lawful subjects of Your Excellency's jurisdiction — I have the honor to state as follows; that I was present during the whole of the conversation, and altho, neither a retentive memory nor a particular attention paid at the time to the words used by Judge Fromentin, warrant me in refering to them, yet the impression which remains upon my mind from the conversation above mentioned is clearly this, that Judge Fromentin,

after ~~having~~ hearing the Act of Congress, one of Your Excellency's commission and some other documents read, endeavored by adducing the peculiar circumstances under which the writ had been issued, to offer something equivalent to an apology for the course he had pursued, and gave Your Excellency distinctly to understand, that he was determined not to interfere in future with any of the branches of Your Excellency's administration.

I have the honor to be
Respectfully, Sir
Yr Excellency's Most Obdt Servt.
(Signed) E. A. Rutledge

Note. I hereby certify, that, being commissioned by His Excellency, Major General Andrew Jackson to deliver to Judge Fromentin, a letter from His Excellency, of yesterday's date, enclosing certificates of Dr. J. C. Bronaugh and E. A. Rutledge Esqr. (which letter and certificates are copied on pages 186 - 187 + 188 of this book) I accordingly handed the same to Judge Fromentin at his Office on this morning about the hour of 8 o'clock A. M. immediately after which, I withdrew.

Pensacola 4th of September 1821.
John Coppinger Connor

(Genl. Jackson's instructions to Dr. J. C. Bronaugh and Major Henry Stanton continued from page 061 —)

No longer delay can be permitted and you must have Don José Callava's late Governor of West Florida's signature to it, or his absolute refusal — and in the first case return to me the said inventory signed or report his refusal in writing.

I am Yrs Respectfully
(Signed) Andrew Jackson
Governor of the Floridas &c &c
and late commissioner to receive the same

To Dr. Bronaugh
and
Major Henry Stanton
Q. master U. States Army.

Dr. Bronaugh's and Major Stanton's Report to Genl. Jackson.

Pensacola 3d August 1821.

Sir/

We have the honor to report that agreeably to your instructions, we have waited upon Don José Càllava late Governor of West Florida and presented to him the annexed certificate for his signature which he positively refused to sign in its present form.

We then stated to him that the certificate had been prepared in strict conformity with the agreement which had been entered into between you and himself in your Official correspondence, and that unless he complied with the 2nd. Proposition contained in your communication to him of the 23d of June and to which he had acceded, that it would be viewed by you as an open violation, on his part, of his engagement with you, and would accordingly be reported to the Government of the United States, and be considered as rendering null and void, any act on your part in relation to the Ordnance, under the first Proposition contained in said letter — the one, being the consideration on which the other was founded.

We were then informed by him, that he considered the lines in the Inventory which are underscored, objectionable, and we agreed to strike them out and insert in lieu thereof the following "This Inventory is made and certified at the request of His Excellency Major General A. Jackson as is set forth in our official correspondence in relation to the delivery of West Florida." In this form he also refused positively to sign it, unless permitted to introduce other matter which was foreign to the subject, and which had not been provided ~~for~~ for

in the correspondence.

We have the honor to be Sir
with great consideration and respect
Yr most Obdt Servts
(signed) J C Bronaugh
(signed) Henry Stanton
Quarter Master U. S. A.

His Excellency
Major General Andrew Jackson
Governor of the Floridas &c
&c &c

Invoice of provisions furnished by Major Henry Stanton Q. Mr of the U. S. Army by the orders of Major General Andrew Jackson, Governor of the Floridas and commissioner for receiving the same, to His Excellency Don José Callava Governor of West Florida and Commissioner for the delivery of the same to the United States of America, for the subsistence of the Spanish Troops, civil Officers and other ~~proper~~ persons to embark by his order on board the United States Transport ships "Ann Maria" and "Lucy Ann" from Pensacola to the Havana; and also a list of the Families of Officers and Servants for whom Transportation was thus furnished and not stipulated for in the 7th article of the Treaty of Amity, Settlement of differences and limits concluded at Washington on the 22nd of February 1821. viz 38 Barrels of Porke, 25 do Flour. 72 do Pilot Bread containing 4896 lbs. 10 do Whiskey containing 335 Gallons. 11 do Peas containing 35 3/4 bushels. 2 do Salt containing 7 bushels. 3 do Vinegar containing 94 gallons — 3 Boxes Candles containing 148 lbs — 4 Boxes Soap containing 427 lbs and 700 lbs Fresh meat — Wives of Officers 2. Sons do 8. Servants do 22, Civil Officers (now in public employ) 20. Wives do 4. Sons do 16. Servants do 24.

Genl Jackson to Don José Callava —

Pensacola August 3C 1821.

Sir/ It was with extreme regret, that yesterday I learned from the report in writing, of Major Stanton that a receipt was refused for the provisions furnished, and for the transportation of civil Officers, their families and servants, in fulfilment of the agreement entered into between us, previously to the delivery of this Province to the United States, as will

appear by our correspondence, and which receipt was to have been executed at the same time that the special stipulations respecting the Ordnance was complied with on my part. ~ The signing of the receipt was postponed at the solicitation of your Secretary Mr Cruzat to Major Stanton, on the morning of the 17th. ~ that officer having the inventory prepared, and Mr Cruzat stating as the reason for this application for postponement Your Excellency's ill health and press of business at that moment. A pledge was given by Mr Cruzat that this inventory and receipt should be given by you at any time when your health was sufficiently restored, agreeably to the understanding in our correspondence, and satisfactory to me ~ Relying with great confidence on this assurance, and anxious to avoid every thing which could tend to oppress your mind while you were suffering from sickness, I assented to the indulgence requested by Mr Cruzat. But I confess I experienced a disappointment, not a little mortifying, when Major Stanton presented me a receipt in the Spanish language, which, when translated, I found to be one acknowledging that the transportation and provisions, agreeably to the 7th. article of the Treaty, stipulating for the transportation of the Officers and Troops of Spain with their baggage to Havana, had been furnished. I had really at first supposed that this could have been only a mistake, until the report of Major Stanton, to which I have alluded, was made to me. ~

I will briefly call to Y. E.'s recollection the correspondence and the agreement entered into on the subject. In the letter which I addressed to Your Excellency dated the 30th of april, I spoke of furnishing the Spanish troops with provisions, according to the liberal interpretation which the President was disposed to give to the Treaty. This was of course in expectation that an interpretation equally liberal would be given to the stipulations in favor of the United States under the Second article — at that time however Y. E. informed me, that you had no authority to enter into a correspondence with me on the subject of my letter and at that time, the intentions of your government to place a narrow and literal construction on the second article, had not been made known to me.

I was first officially informed of the orders from your Government with respect to the cannon of the Fortifications, when the arrangements were about to be made with you by Capt Call for the delivery of St Marks. I then addressed you my letter of the 12th. in which you will find these words" By the 7th. article, to the stipulations of which, I would particularly direct the attention of Your Excellency, the Spanish Officers and Troops and their baggage are alone mentioned in the transportation to be furnished. No notice is taken of provisions for the voyage, of the civil departments, of the families &

and servants of the Officers, or of the arms and accoutrements &c of the soldiers; yet with as much propriety, and more consistently with the literal constructions of the treaty may provisions be denied, and transportations for unenumerated persons and arms of the soldiers be refused, as a fortress to be deprived of the cannon belonging to it, forming its batteries and constituting its principal material of defence."

This letter was delivered to you by Captn Call, who was at the same time furnished with a letter of instructions and which he was to make known to you in case your orders from your government were such as you could not deviate from. In pursuance of these instructions, it was stated to you by Captn Call "that as you had required receipts for the artillery and stores to be left in deposit at St Marks, subject to the future orders of yourself and the Spanish Govt. he would require receipts for the provisions and transportations furnished for the civil Officers to the Island of Cuba" According to his instructions, he was ordered "to state the determination to construe the 7th Article according to its literal signification, allowing transportation for the Officers, soldiers, and baggage only, not including their families, civil department or provisions for the voyage"! He was left at liberty to ~~assent~~ accede to your proposal on conditions that you likewise receipted for the transportation furnished for civil Officers, families of Officers, servants and provisions not provided for in the 7th article of the Treaty. An inventory to be made ~~of the munitions~~ of the munitions &c and the receipt to specify that they had been received with the forts, claimed by the Spanish Commissioner as not included in the cession, but to be held by the American agent subject to any future disposition which might be adjudged by the respective Governments. The Spanish Commissioners receipt for provisions, transportation &c. to be given in the same form, and distinctly to state to Y. E. that if Spain claimed the delivery of the one, the American Govt. would claim payment for the other."

An apparent misunderstanding afterwards occurring with respect to this matter, I thought it necessary in my letter of 23d of June in order to prevent all possible mistake to place before Y. E. my understanding of the agreement by reducing it to the two following distinct propositions:

1st. That an inventory of the Cannon, munitions of war, &c belonging to the fortifications ceded should be taken and signed by the proper officer authorized to do so; with a remark that the said Cannon, ordnance &c were claimed by you, but left in my possession

subject to any future dispositions which might be made of them by ~~y~~ our respective governments.

2^d. That an inventory of the transportations of families of Officers and Servants and ~~of~~ provisions placed on board of the Transports for the supply of the Troops on their voyage should be made out by you as furnished by me.

The same letter expressly declared these propositions to be the same as those contained in my instructions to Captⁿ Call & to which I had also referred in my letter of the 17th. - In your reply of the 25th. you declare that you are "well acquainted with the tenor of the particular it embraces, and scrupulously so, with the part relative to the ~~tenor of the particular~~ Artillery and my orders and instructions on the subject". -

In the concluding part of ~~of~~ the same letter you say "No remark offers itself to you on the circumstance of furnishing me with a certificate of the number of persons transported, and of the provisions with which they have been supplied by me for their voyage."

In conformity with the foregoing propositions, and explanatory correspondence, I made out a note for Major Stanton directing the mode in which the Inventory and receipt should be drawn, and after urging him for more than ten days to obtain it, what was my surprize when he handed ~~another~~ me the note addressed to him by Mr Cruzat - From that I learned, that Your Excellency has "already [been] informed [by] H. C. M's. Minister at Washington [and by] the Captⁿ. General of Cuba, that the provisions for the transportation of the Spanish Garrisons from this place to Havana was to be furnished by the U. S, that the reason why they have been furnished, has not been given, and consequently, that in no document are you at liberty to mention any thing more than that they have in effect been furnished by the U. S." and that not a word can be added, subtracted, or altered from the receipt you have thought proper to offer.

I cannot conceal the ~~is~~ indignation which I experienced at ~~of~~ this open disregard of the agreement entered into between us, as well as of the pledge given by your Secretary Mr Cruzat to Major Stanton. Anxious, however, to close the transaction in amity, and feeling confident that the reasons of the second propositions in my letter of the 23^d. could be sufficiently collected from our correspondence, as well as from the very nature of the proposition itself, I resolved to accept an inventory made out in strict and literal conformity with that propositions, acknowledged to be understood by you, and assented to, in your letter of the 25th. leaving out of view my letter of the 12 June, the instructions to Captⁿ Call of the same date communicated to you and my subsequent references to those instructions, I was content with a compliance with the

second proposition just mentioned, which by no possibility could have been misunderstood. For this purpose, I this day directed my friend Dr. Bronaugh and Major Stanton, to call on you and to request you to sign an inventory taken from the words of my letter of the 23d. and which I learn with astonishment by their written report, you have refused to give, without introducing other matter foreign to it; and which never was the subject of correspondence between us — I forbear, Sir, to express the opinion I entertain of such conduct, the facts which I have stated speak a language sufficiently strong. When these things shall be made known to my Government and to yours, I must ask what confidence can be placed in Your Excellency, what in Your Secretary for requesting time on account of the state of your health, giving a pledge that the receipt should be given in a manner satisfactory to me, and afterwards regardless of that pledge and of your express agreement positively refusing to give it? This conduct can injure no one but Your Excellency and your Government. — Painful as it is to my feelings, I am compelled to pursue the only course that is left me, and which is, to report the case to my Government as a wilful breach of the agreement entered into by you, and therefore rendering null and void the receipt given by me for the ordnanance, The one being the considerations on which the other was founded.

This closes my correspondence with Your Excellency on this subject for ever.

I am Sir Yr most Obdt Servt.
Andrew Jackson
Govr of the Floridas &c &c.

His Excellency
Don José Callava
Col. Commdt. & late Commissioner
for the delivering of Wn. Florida.

Major Stanton to Genl Andrew Jackson.
Pensacola August 8 – 1821.

Sir/

I learn with the deepest regret that the duties assigned me by Y. E.'s instructions of the 23d. of June have not been discharged in such a manner as to meet Y. E.'s entire approbation. — I had indulged the hope that the unremitting attention which I had given to the discharge of the complicated duties imposed on me, would not only have protected me from even a shadow of censure, but would have secured me the soldiers best reward, the approbation of Superiors — To have obtained Your Excellencies would have been regarded as more than a full compensation for all the sacrifices and fatigues which I have sustained since the commencement of my duties under Y. E.'s orders.

The censures which it has been my misfortune to incur, is,

from what I learn, confined to the delay which took place in making out the Invoice of provisions furnished to the Spanish troops lately embarked at this place for the Havana; and in the form of the invoice as rendered by me to the Spanish authorities. It is, I am informed, considered by Y.E. that this instrument should have been made out in a manner expressive of the conditions on which the provisions were furnished, subject with the ordnance left in the Fortifications, to the future decision of the Governments of Spain, and the U.S. — That a definitive arrangement to that effect had been made, was distinctly communicated to me by Your Excellency, but in what form, an acknowledgment of that understanding was to be expressed on the Invoice by the Spanish authorities was never suggested. Under the full impression that ample proof of the arrangement alluded to, existed in the correspondence between Y.E. and the Spanish Governor, I certainly did not think it necessary to require a confirmation of it in a receipt, required as was believed, simply to shew the actual delivery of the provisions by me to the Spanish Authorities, and to facilitate the adjustment of my accounts at the Treasury, when my accountable receipts for it when held. —

In Y.E.s instructions of the 23d of June enclosed (marked A) it is observed that "an Inventory will be taken of the provisions placed on board of each Ship, signed by the Officer to whom it is turned over; and countersigned by yourself. In those instructions, made out subsequently to the arrangement relative to the Ordnance, alluded to, no motion is made of any receipt or certificate whatever.

Y.E's letter of the 6th of July enclosed, (marked B) states distinctly what Y.E's had often named to me verbally, that the Ordnance to be left with the Fortifications; and the provisions to be furnished to the Spanish Troops, not being alluded to in the late Treaty, were to be subject to the future decision of the two Governments. The necessity of having receipts for the provisions; and a report of the number of Officers Troops &c is also stated in the ~~letter~~ letter last alluded to, but no mention is made of the form in which they were to be required.

It may be possibility be urged, that connected as the subject of the Ordnance and Provisions were, the similar Invoices and certificates might have been ~~inferred~~ inferred, but Sir I considered Y.E.s letter of the 6th July as a repetition of the understanding between yourself and Govr. Callava, which had hitherto been declared to me verbally; and of Your Excellency's instructions of the 23d June but in no way altering or changing them. — indeed Y.E. states distinctly, that it was made in consequence of an intimation from Captn. Call that I had not been instructed on the subjects alluded to in the letter: Although Y.E. was under the impression that Captn Call was mistaken — The form of the Inventory for the Ordnance is adverted to in the letter of the 6th, but no mention is made of any for the provisions. This silence on the subject in both Y.E's letters, will I trust be sufficient to justify doubts as to Y.E's wishes. It was certainly regarded by me at that time as a matter of indifference in what shape the invoice was presented; intending as I did

to accept of no receipt, until it had been submitted to Y. E's consideration for such amendment as it might have been thought necessary to propose.

The delay which tooke place in making out, and ~~presented~~ presenting the Invoice of the Provisions was occasioned by circumstances, over which I had no control. In the first interview which I had with Govr. Callava after the receipt of the instructions of the 23^d. of June, I requested him to furnish me with a report of the persons to be embarked for the Havana, which request was subsequently repeated; and in reply thereto I was informed, that as many of the Spanish Officers were desirous of remaining in the province, it would be difficult to ascertain precisely the number that would require transportation until the embarkation of the Troops when the desired report should be made. This reply was communicated to Y. E. who made no objections to the delay ~ I was on the 20th. of June instructed through Col Gadsden, and by letter of that date, enclosed (Marked C.) to furnish to the Spanish Troops when embarked, with two days ration of fresh beef, in addition to the 500,000 rations drawn from the subsistence department.

It was necessary to have the Beef thus to be furnished, entered in the Invoice with the other provisions; which could not be done until the quantity could be ascertained from the Report of the number of Officers, troops &c. which was to be furnished. It was not until the 16th. of July that I was informed by Col Garcia (appointed by the Spanish Governor to receive the provisions) that 700 lbs. would be received in full for fresh provisions; which, as the quantity was considerably less than two days rations for the number to be embarked (which I then learnt would be about 450) I did not hesitate to furnish. The Invoice was then completed and sent to Gov Callava.

The special report made to Your Excellency on the 2nd. instant details the reasons which induced the permission on my part to Govr Callava through his Secretary on the morning of the 17th to postpone the executions of the receipt for this provision; and report of the Troops embarked. At that time a most perfect confidence existed in my mind that receipts and certificates satisfactory to all parties would be furnished.

I cannot but feel assured that the view which I have ~~given~~ now given of this subject, will establish the correctness of my transactions, and remove from Your Excellency's mind any unfavorable impression which the supposed neglect of duty may have created. To ~~carry~~ carry with me in leaving this command not only the satisfaction of having served under Y. E's Orders; - but also that of having discharged the duties assigned me, to Y. E's wishes, would be realizing my highest hopes and expectations.

I have the honor to be
with the highest respect and Esteem
Y^r. Excellency's Ob^d.^t Sert
Henry Stanton
Quarter Master
U. S. Army

His Excellency
Major Genl. Andrew Jackson
Governor of the Floridas
&c. &c. &c.

Genl. Jackson to Major Stanton

Pensacola August 8th. 1821.

Major Stanton

Sir/

Your note of the 8th instant is just read, accompanied with copies of my instructions to you of 23d. of June, the 6th of July and the 20th of June which last appears from its heading to have been dated at Montpelier, instead of Manuel's & having arrived at the latter place on the 16th of June must be a mistake, altho' of no importance.

I can assure you with candor that in you as an Officer I had the most implicit confidence — That all your Official Acts, have met with my full approbation except the one of not taking the inventory of the Transportation furnished for the Civil Officers and their families and servants, the families and Servants of Military Officers, with the provisions furnished the Spanish Officers and Troops for their voyage to the Havana, all which was ~~held~~ well understood to be placed in the same situation of the Ordnance to be receipted for and referred to our respective Governments for their decisions agreeably to the agreement entered into in our correspondence and to which my instructions of the 23d of June and 6th of July particularly refer. Not being a Slave to forms, I cared not in what form this inventory and receipt was made out, so that it embraced the real substance, I had full confidence from my instructions and your experience in business that a form could have been made out by you satisfactory — or if you had any difficulty on this head you would have been furnished, this was not done and of course I did believe that this had been fully attended to by you, as on all occasions that I had, of meeting with you, I was making enquiry how you progressed &c particularly on the 16th. of July, when I was informed by you that all would be complete and ready for Gov. Callava's & my signatures the next morning at 10 oclock a.m. — Altho I had no confidence in the ~~[illegible]~~ Spanish Character, when you reported to me on the morning of the 17th. that Mr. Cruzat Secty to the Governor, that he the Gov. from ill health, and press of business had not been able to attend to making out an Inventory for the Provisions and the transportation of the Civil Officers and their families and Servants &c &c. — and requesting a postponement of this subject until his health would be better, when an inventory and receipt as agreed on in our correspondence, should be made out satisfactory to all parties & would be executed by the Gov Callava — I, like yourself could not doubt but this pledge coming from a Military man, and at his instance and request and for his convenience would have been scrupulously and honorably fulfilled on his part, but even then I was of the opinion that the inventory and receipt had been prepared by you in substantial form,

and his delay was claimed to have it translated into the Spanish language ~ I am free to allow that calculating on your own feelings and the candid and honorable course we had pursued and were pursuing with Gov Callava, that you calculated on an equally honorable fulfilment of his pledge of honor, that occasioned this remissness on this point – and altho I cannot approve this solitary Official act of yours, still Sir you carry with you my free confidence as a correct, honest, and faithful Officer – and my best wishes for your health and happiness thro' life ~ and this dishonorable transaction of Governor Callava, in violating his agreement with me and his sacred pledge with you, will hereafter place you more upon your guards when transacting business with Spanish Officers.

I am Sir, with sincere respect and Esteem

Yr most Obdt Servt.

(signed.) Andrew Jackson

Major Henry Stanton

Letter from Genl. Jackson to the Secty at War.

Pensacola, September 17 – 1821.

The Honble J. C. Calhoun,
Secy at War,

Sir,

By last mail I received enclosed to me, by Capt. Bell, commanding and executing the civil government at St Augustine, the unauthorised talk held by Horatio Dexter and Mr Wanton, with what they are pleased to call the King of the Seminoles, and fifty-four of the principal Indians present. It appears that this talk with the Seminoles has been forwarded to some of the departments, whether to you is not mentioned, and were it not for its novelty, and the object which appears obvious, I should not have troubled you with the transmission of such a paper, or with any comments upon it. The object of this unauthorised proceeding appears to have evidently to be, first, on the part of Dexter and Wanton, to obtrude themselves on the notice of the government, and secondly, to impress on the minds of the Indians their absolute right to the country. I have written to Mr Worthington to seize these self-made Indian agents, and detain them until the instructions of the Government can be had. And this talk proves the necessity of Congress taking the subject up, and by law prescribing bounds to the Seminoles.

The exposed situation of the Floridas, imperiously demands that its frontiers upon the coast, if it may be so expressed, should be immediately inhabited by our white citizens. The Indians at present are scattered from Florida point to the Chactahatchy. If you attempt to concentrate or consolidate them at the Mickasukey Pond or Old Towns, you offend those that are situated on the Suwaney, in the Latchua plains, or in the Peninsula. As they have been continually at war with the United States, until conquered in the Spring of 1818, when they were ordered up above the Floridas line, where the nation to which they originally belonged was willing to receive them, such a measure would reconcile all. This is what they expected, and what good policy and the safety of the Georgia frontier required. But this is what these unauthorized Indian agents, who offer their services to both parties, as I conceive, wish to prevent, and on which the Government ought seriously to reflect. The Government cannot turn the torrent of emigration to the Floridas without great expense; good policy ~~requires~~ and the safety of the frontier, in my opinion, require that the Government should promote emigration to this country, and hasten its admission as a state into the Union.

If the Indians be removed within the limits of the country assigned to the Creek nation (of which the Seminoles are a part), this object, on which the security of the Southern border so much depends, will be speedily attained. With what pretence of justice can those who fled from the Creek nation, and kept up an exterminating war on our frontier, until crushed by the arm of our government in 1818, set up such claims? And is the safety of our frontier to be jeopardized by the complaints of a few Indians excited by would-be Indian agents and Indian treaty-makers, who compose flowery talks for them, and put words into their mouths they never conceived, and make Indian Chiefs to suit their own views, and who were never heard of as such before? The greater part of the Indians now in the Floridas consist of those who fled in the manner already mentioned, and why should we hesitate to order them up at once, when the Executive Government, with the aid of Congress, can do ample justice, by law if necessary, to those who deserve it, by giving such equivalents as will enable them to settle their families in the upper country, and to cultivate their farms. Unless the Indians be consolidated at one point, where is the country that can be brought into market, from which the five millions are to be raised, to meet the claims of our citizens under the late treaty with Spain?

I received by last mail a letter from Mr Penieres of the 14th of May last, and another of the tenth of July. By the latter, he informs me he is about to proceed to the Havanna to enquire whe-

that any treaties have been made with the Indians by Spain. Whether this be in pursuance of instructions from you, I am not advised; but surely the Government of the United States is competent to regulate the concerns of these Indians, and mete to them every justice to which they are entitled, and to make such regulations as the safety of the frontier may require, without reference to any treaty with Spain, and particularly when it is notorious that the greater part of these Indians, as already observed, fled from the Creek nation in 1813 and 1814, adhered to our enemies, continued their warfare under the excitement of British agents and Spanish incendiaries, until the United States from self-defence were compelled to chastise and conquer them.

I have made enquiries for a proper character duly qualified to act as interpreter for Mr Penieres. It requires, as Mr Penieres does not speak English, that that interpreter should speak the English, Indian, and French languages. Such a one is difficult to be found; in short I can hear of none but Mr Hambly, and for him I have sent, but am informed that he is with the Creek agent. I advised you in my last, that the indisposition of Mrs J. would compel me to travel with her, as soon as her health would permit, out of this southern climate; and this would prevent me from holding a treaty with the Indians; although, to speak candidly, I am determined never to be concerned in another. I do think it not only useless but absurd, when Congress has the power to regulate all Indian concerns by act of Congress, and the arm of the Government is sufficiently strong to carry such regulations into effect. More general justice can be done to the Indians in this way than by treaty. When the policy of treating with the Indians was first adopted, it was at a time when we found them thrown upon our hands by the treaty of 1783, without any provision being made for them, and at that time they were numerous and hostile, while the arm of the Government was too weak to enforce such regulations as justice and good policy required: hence the necessity of managing them by treaties. But this has passed away; the arm of government is sufficient to protect them, and to carry into execution any measures called for by justice to them, or by the safety of our borders. Hence the absurdity of holding treaties with Indian tribes within our territorial limits, subject to our sovereignty and municipal regulations, and to whom by legislation every justice can be done, and the safety of our southern frontier perfectly secured.

These were some of the reasons that weighed upon my mind for addressing the government on this subject last spring, in hopes that I would be authorised by the Executive to have carried into full effect the orders I had given them in 1818, and which had been given after consulting the Chiefs of the Creek nation, and finding it to be their wish, and that they were willing to receive them. At that time many of them went up, and I am informed are now living happily there. I pray you to look at the map of the Floridas and you will at once glance see that to locate them in the Floridas, they will greatly weaken your frontier, when by removing them, you clear the Southern border of all Indians.

Since writing the aforegoing, I have made enquiry respecting Dexter and Wanton, and am informed by a gentleman on whom from his character and standing in society every reliance can be placed, that those persons are profligate characters, and are and have been engaged in forming a settlement in the Alatchua plains under the grant of the Duke of Alagon, and it is said have obtained a grant from the Indians by deed duly executed before witnesses, relinquishing to them all Indian claim to a large tract of country. From the bare reading of Dexter's letter, and the Indian talk, I was impressed with the belief that Mess. Dexter and Wanton were just such characters as above described, and in whom no confidence ought to be placed, and who ought, as I have directed, to be sent beyond the Floridas. Nothing more clearly proves the necessity of ordering those deluded Indians to the Upper Country, where they can be kept clear of such improper and mischievous influence, where they can be protected and made happy by the bounty and humanity of your Government.

I am, Sir, respectfully,
Your most obt Servt.
(signed) Andrew Jackson,
Gov. of the Floridas

The Honble J. C. Calhoun, Secy of War.

Pensacola Sept 18th 1821.

Sir/

By a letter received by last mail from Captain J.R. Bell commanding Officer at St Augustine and exercising in your absence, the duties of Secretary of East Florida, with the powers of the former Governor I am advised of your just having arrived in the Bay of St Augustine, I therefore hope you are safely landed and now exercising the duties assigned you agreeably to my several letters of instructions up to the 27th of July, the receipt of which have been acknowledged by Captain Bell and likewise my communications of the 13th of August and 1st of Septr, the first of which was forwarded by Mr. Bird district Attorney of East Florida and the other by mail, which I hope have reached you, and to which I refer you.

Captn. Bell has forwarded me a talk held with the Indians by Mr. Wanton and Horatio S. Dexter; you ~~will~~ will immediately make enquiry by what authority they held this talk, and if unauthorized, you will immediately have them arrested and sent beyond the limits of the Floridas; for individuals unauthorized by the Government, must not be permitted to hold talks with the Indians as much injury may result ~~therefrom~~ therefrom and I confidently rely upon your preventing it in future.

I have been authorized to appoint an Agent to hold a conference with the Indians within the Floridas. But until Mr. Penniers the sub Agent of Indian affairs arrives or until I hear from the Government to whom I have written for instructions on this subject I shall neither appoint an Agent or attempt to convene the Indians - indeed they are so scattered over the Floridas that it would be impossible at this season to collect them. I had expected that the Govt. would have ordered them up within the limits reserved for the Creek nation and by just regulations have made them happy and contented there, for as long as they are scattered over the Floridas, they will be interrupted by the Whites, and if they remain, it is absolutely necessary that they should be concentrated at some point, which will create as much dissatisfaction as if they had at once been removed, where they must ultimately be located in the Creek Nation - You can assure them that they will be justly dealt with, but that they must recollect, they had commenced and continued upon our frontier inhabitants, an exterminating war, to which they had been excited by British and Spanish Agents until in 1818 the U.S. were compelled to chastise and subdue them

when they were ordered up to the Creek nation, as one of the conditions upon which peace was granted them. The greater part of the Indians now in the ~~United States~~ Floridas are those who fled from the Creek Nation in 1814 when that nation was subdued and peace granted; they cannot now expect to be in-dulged by being permitted to remain in the Floridas, whatever the Government may grant to those who were at that time settled there – On this subject I am awaiting the instructions of the Pres-ident of the U.S. and so soon as received you shall be advised of them; in the mean time you will do every thing in your power to Keep them ~~peaceable~~ peaceable, and remove from the Floridas any self created agents or treaty makers, whom you may find ~~among~~ among the Indians.

I am Sir
with great respect
Yr most Obdet Sert
(Signed) Andrew Jackson
Gov. of the Floridas
&c &c &c

W. G. D. Worthington Esqr.
Secty of E. Florida

West Florida – Pensacola

On the 18th of Sept. 1821. I was visited in the Executive Chamber by three Chiefs of the Florida Indians, viz Blunt, Nea,moth,la and Mulatto King, who, through their interpreter made known to me that the object of their visit, was to be informed what their Father, the President intended to do with them, that various reports had reached them, and that Nea,moth,la had been up to see the head men of the Creek nation, and that Genl. McIntosh told them that I would deprive them of all their lands, only giving to each 640 acres of land for themselves and their families to live on, Upon which, I gave them the following talk –

Friends and Brothers, I am glad to see you and to shake you by the hand in friendship and to assure you that as the hatchet has been buried, your father the President never wishes to see it again raised. Your nation was once led astray by the advice and counsel of wicked and bad men; the Creek Nation had listened to the same bad counsel, and in consequence, had brought destruction upon themselves. Your father the President gave them peace. McQueen

and Francis, with a number of Warriors would not regard this peace, but fled from their Country and came here, where they adhered to the false counsel of British Agents and Spanish incendiaries, and your Nation having pursued the same course, compelled your father the President to send his white Children to chastise and subdue you, and thereby give peace to his children, both red and white. This was four years ago, and all those Indians who had raised the bloody hatchet, were ordered to return to the Creek Nation and there live in peace, where they would again be taken by the hand in friendship by their father the President, and by him be protected. I repeat that I am glad to see you in friendship and to give you assurance that your father the President has no other wish than to be in friendship with you and that having buried the hatchet with his red children, he is anxious to have them collected together at some one point where he can protect them, either within the limits of your Old Nation the Creeks, or, at such other point where they can be all together and within his power to protect and make them happy. I give to you a plain, straight talk, and do not speak with a forked tongue. It is necessary that you be brought together, either within the bounds of your old Nation, or at some other point, where your father the President may be enabled to extend to you, his fatherly care and assistance. - Those, who fled from their Nation and joined in the War against us, must return to their Country, where their chiefs are willing to receive them, and where they will be protected by their father the President, for they cannot be permitted to settle all over the Floridas and on her Sea Coast. Your white brethren must be settled there, to keep from you bad men and bad talks - I will gladly meet you tomorrow in this room, and listen to your talks and wishes, and give you such information as you may require and I possess, and I wish to be informed where the Red people in the Floridas are settled, that I may make it known to your father the President that he may be enabled to judge of your situation, and point out where you are to be collected together to insure your protection and that you may be treated as the rest of his beloved children. Your former disobedience is forgotten and he again receives you as his children: The Chief replied - That he had heard many rumors, that he had received no satisfaction until he came to see me, that he was very glad to hear this talk from me, and that he believed it to be a straight talk.

On the 19th They met agreeably to appointment, when I addressed them in the following manner -

Friends & Brothers, I am glad to see you this morning and to shake you by the hand again, and to assure you of the kind feelings of your father the President, and of his love for his red children. I desire to know where the Red people are settled in the Floridas and also their numbers.

Nea, moth, la answered, that he liked the talk he had received, and wd. carry it to his Nation, assemble the Chiefs and give it to them, and also that he would give me an account of the Towns, as near as possible, which he did as follows, saying that he knew of about 15 Towns- viz, Red Town at Tampa Bay, does not know the number of souls. ac-lock-o-na-yahe, above Tampa Bay - a number of souls, Oponeys Town back of Tampa Bay. Tats-ta-la-hoats-ka, or Water-melon Town on the Sea Board - this side Tampa Bay. The greater part of all these fled from the Upper Creeks when peace was given to that nation. A-ha-pop-ka, situate back of the Musquito - Sou-walla village, composed of those who fled from the Coosa, and followed McQueen & Francis their Prophets. Peter McQueen's village, the other side of the Tampa Bay. A-lach-a-way-talofa, in the A-lach-a-way plains, a great many souls. Took-o-sa-mathla the Chief. Santa-fee-talofa, at the E. fork of the Suwaney, Lock-taw-me-coochy, the Chief - Waw-ka-sau-sa on the E. side of the mouth of Suwany on the Sea Board, these are from the Coosa river. Old Suwaney Town burnt in 1818 on the Suwany river. These are from the Talla-poosa Towns, and followers of McQueen & Francis. A-la-pa-ha-talofa, west of Suwany and E. of the Micca-Suky - the Chief Ocknulgee is lately dead. These are from the Upper Creeks. Wa-ciss-sa-talofa, at the head of the St. Marks river - These are from Chatta-houchy, Upper Creeks - Willa-now-chee-talofa near the head of St Marks river, west of Wa-cis-sa talofa - Natives of Florida. Talla-hassa on the waters of the Micca-suky ponds - these have lived there a long time, have about 100 warriors, and suppose 10 Souls to a warrior - say 1000 Souls. Top-ke-galga on the E. side of the O-clockney, near to Talla-has-sa village - Methoe-ouchy-talofa between the St Marks and O-clock-ney river in the fork of the latter. very few of these are Natives of the land. O-cheese-ulga E. of the Apalachicola - where Hambly & Blunt live, about 200 Souls - Cothrim the Chief. Cho-co-nick-la village, the Chief is Nea-thock-o-motla - the second chief is Mulatto King - were raised there, have about 60 warriors on the W. Side the Appalach-icola - Top-hul-ga; this village and Choco-nickla join each other, raised in E. Florida and removed there. Tock-to-eth-la, west of Fort Scott and the Chatta houchy. ten miles above the forks - forty or fifty warriors, were raised at the E-con-chate or Red Ground and moved down - another Town in Florida point called ca E-chee-po-crassa; these moved from the upper Creeks, about 30 warriors and a great many

women and children settled there. I asked the Chiefs their opinion of the number of Souls in Florida - they replied that they supposed about two thousand souls but were not certain. I enquired at what point those, who had been raised there would wish to be concentrated - They replied - they have not yet consulted together, but when they returned, would assemble all the Chiefs, and deliver the talk they had with me, which was a straight talk - and inform me the result.

I then gave them the following talk,

Friends and Brothers. Listen - I find from the information you give, that the greater part of the Red people in Florida are those who fled from the peace offered to them with the Upper Creeks in 1814, came to this place joined our enemies, listened to their Talks, were driven hence and went to E. Florida, and there again raised the War hatchet, excited you to destroy our women and Children and compelled yr father the President, as before stated, to send his white Children to subdue them. When you return, say to your people that those Indians must return to their own nation, where they will be received in peace and friendship and be protected by their father the President as a part of his red children or must settle at such place as shall be set apart for those who have been raised in the Floridas. Say to Your people to remain where they are now and to take care of their crops - collect all your Chiefs and inform me or the President your father, where those who have been raised in the Floridas, wish to be settled, should they not desire to go up int the Creek Nation, with those who have fled from it. Tell your people all these things, and when I get the information I have requested you to obtain, the President Your father will send an Agent to you to point out where you are to settle and what he will do for you his red children. I will send ~~you~~ this talk to your father, and as the War Hatchet is buried and all things forgotten he hopes that you never will again raise it; he now views you as his Children, will protect and do you justice and I will write to Mr Intosh that he shall not trouble you - I will furnish you with provisions to carry ~~to~~ you home - all will be ready tomorrow morning, you will then call, that I may shake you by the hand in friendship and give you the letters.

The Chiefs replied - they were well pleased with the talk, that on their return, they would assemble all the Chiefs and consult with them and would send me and their father the President their talk, that many of those who had fled from the Upper Creeks had returned and many more were willing to go up, but were afraid - I told them, they knew I spoke from a straight heart, that they might assure their people of the friendship and protection of their father - but that he could not nor would not permit them to be scattered over the Floridas as they now are, that those

belonging to the Upper Creeks being the largest number must return to their nation & settle at the place where their father the President would point out for those who had been raised in the Floridas, when he collects them together. Those who fled from the Tallapoose and Coosa rivers cannot complain of this — they have their own Country, they have no claim to land in the Floridas

The Chiefs replied. — they would tell all these things to their chiefs, that they were well pleased with the talk and would call on me tomorrow morning and shake me by the hand. I gave them an order to get provisions and we shook hands and parted

(Signed) Andrew Jackson
Gov of the Floridas
&c &c &c,

attest
John Coppinger Connor
Executive Clerk
Stephen Richards
Interpreter

This 20th day of Sept. 1821 — The Chiefs came & shook me by the hand; I explained the talk of yesterday; they replied they well understood it — I then ~~th~~ gave them a Copy.

(Signed) Andrew Jackson

attest
Stephen Richards,
Interpreter

Espo-Ko-Ka-ha-cha a common indian in company with the Chiefs

Pensacola Sept 19 — 1821.

Friend and Brother.

The Chief Neamathla has visited me in company with the Mulatto King and John Blount, to be informed of me what the President of the U.S. intends to do with his people and those red people now in the Floridas. I have told him that the hatchet is buried, that their father the President of the U.S. is willing to take them by the hand as part of his red children and to protect and treat them as such, that those who fled from your Nation and carried on the War against us in conjunction with our enemies, must again return to your Nation where they will be treated kindly and as friends; Or, that they must come to some one place where the President of the U.S. may direct and where he may collect those of his red Children who have been born and raised in the Floridas, and until they hear from their father the President, they are to return to the Country where they now are, collect their crops and remain quiet. You will make this known to your chiefs and warriors and prevent them from

disturbing them or their property, or in any way troubling or molesting them until I receive the information I have requested from them and until they hear from their father the President of the U S.

Should all, or any of those of your people, who with McQueen and Francis fled to the Floridas, choose to return, you will receive them, and your father the President will take them in friendship and treat them as his children.

The great object of your father the President is to get yr. people all together in yr. nation and those who have been raised in the Floridas he will provide for. Should they choose to move into your nation, he will provide for them and their families there; should they prefer to be collected together in the Floridas, he will point out where they must be collected together and protect them there: But until this is done he expects that you and your chiefs will treat them kindly and not disturb them nor their property. This you will make known to your chiefs and warriors.

I am your friend and Brother
(Signed) Andrew Jackson
Gov of the Floridas
&c &c &c

Genl Wm. McIntosh
of the Creek Nation

Pensacola Sept. 20 – 1821.

Sir/

Since I closed my letter of the 17th. instant to you, Nea-moth-la one of the Chiefs of the Florida Indians accompanied by the Mulatto King & John Blount with an interpreter Stephen Richards, have visited me. From the enclosed talk held with them marked A, you will discover the object of their visit, their dispositions and wishes. They have left me, well pleased, and happy to hear that a country will be given them some where by the President of the U. S. in which they will be collected and settled and receive the protection of the U. S. – They acknowledge that it is just, that those who rejected peace when it was offered to them, and fled from ~~their~~ their own country, continuing the war, ought to return to their own nation, that they believe all those are willing to return, but are afraid that they will not be protected.

I have written to General McIntosh on this and other subjects, a copy of which I also enclose you; I have no doubt, it being made known to them through the Agent of the Creek Nation, that they must return and that on their return they will be protected, the whole would immediately move up, and as these Indians can have no claim to lands in the Floridas, humanity and justice is sufficiently

extended to them by such permission to return and live in peace with their own nation and their nation cannot complain, or object to this.

There is but one point at which the natives of Florida can be concentrated, without weakening the ~~bor~~ borders of Florida too much, and that is, on the banks of the Apalachicola adjoining the southern boundary of Alabama & Georgia, and running down the river on both sides so as to include a sufficient Area for the real natives of that Country. This might infringe a little upon the large Grant to Forbes & Co, but it would be better thus, than leave St Augustine and Pensacola exposed - Then a white settlement would be interposed between them and the Sea Shore, and the Georgia and Alabama settlements in their rear would insure peace with them. I have thought proper to make this suggestion for the consideration of the President, and I am sure it will give general satisfaction to the Indians, if Congress would lay off a boundary for them where I have suggested; but still I am of opinion, from the smallness of their numbers and the shape of the Floridas that it would be ~~better~~ much better policy to move them all up, and amply provide for them by an annuity. I have directed the Chiefs to send the talks required to this place, it will follow me and I can send it on to the President through you, and as soon as it is received, the President can take such an order upon it as he may deem most proper. I have assured them that he will either send an Agent to give them a talk or invite the Chiefs to Washington - they are content either way, but expressed a wish that they might be invited to proceed to the City of Washington. On the latter course being adopted it would be well that they should be there when Congress is in Session, and that Congress should pass the Law whilst they are there.

Nea-moth-la requested, that Stephen Richards might be his interpreter to hold his talks with the other tribes, that he had hired him to come here, and hoped I would request his father the President that he would pay him for it: I answered that I would make it known to his father the President and I had but little doubt he would order Mr Richards to be paid for coming here with him; that I approved his selecting Mr Richards as interpreter & ~~would~~ would make it known to his father. I hope this request may be granted; I have furnished them with provisions, paid their Tavern Bill and gave them one dollar to pay their passage across the Bay - they have left me in a good humor and well satisfied - Referring to my last letter with which this is enclosed

I gave you some information of the attempt of Dexter and Wonton to establish themselves on the A-la-cha-way plains under a Spanish grant; to give you further information on this subject, I send you an extract of a letter to me from a Gentleman of high standing and character who has visited that country, and in whose veracity every confidence may be placed. When Congress meets, every care ought to be taken by law to put down all such fraudulent Spanish Grants, of which there will be found hundreds; and in the meantime to protect the ~~title~~ title, when possession is had agreeably to the Spanish Laws, and in no ~~case~~ other case whatever, ought titles to be made valid.

Mr George L Brown of Balt^o. son of Doctor Brown of that place, has lately explored the Country on the St Johns River; he returns to Baltimore, is intelligent, and can give a very satisfactory account of things as they are there, is of a good character, is about to move to the Floridas & if the Government has any use for ~~this an~~ Agent, in him (from letters to me) it will find a faithful and capable agent.

From the information of Capt Bell_ I am fearful that Mr Penniers will not answer the expectations of Govt.

Extract before alluded to — " In compliance with your wish I herewith place before you such information of the A-la-chee-way Country as I became acquainted with during my residence in E. Floridas. In the month of April last, I proceeded to the St Johns accompanied by Horatio Dexter to his residence six miles south of Lake George. On my arrival we found the Gentleman who took charge of the establishment during Mr Dexter's absence extremely unwell, and at the urgent solicitation of Mr Dexter I agreed to remain a short time, as it was necessary for him to accompany the Chief of the Seminoles to St Augustine whose object was, to ascertain from Governor Coppinger what provisions were made for them by the Spanish Government and to be informed by what title the Whites had taken possession and were forming settlements in the A-lach-a-way Country. The Chiefs, Lord Governor, Coosa, Taskehee and two others whose names I do not recollect visited the Govr who informed them that the title to the Ala-chee-way was granted by the Capt General of Cuba to a Mr Aredondo a resident of St Augustine: Ala-chee-way is represented as a very fertile district, and as an inducement to settlers the proprietors Mr Wonton ~~and~~ Dexter, Aredondo & Mitchell have offered fifty acres of Lands to those who may agree to reside there. Mr Wonton who is well known among the Seminoles, and who has great influence among them has established a store for the supply of the indians —

In May last, the Chiefs met Mess Wronton & Dexter, and held a talk with them, and at the same time recognized the right of the proprietors to the Grant, stipulating also that a store properly supplied with essentials, should be kept in the A-la-chee-way."

I shall leave this early in October to carry my family home; but should information make it necessary for my return I will do so, not otherwise. Doctor Bronaugh will proceed with me and continue his journey to the City - by him I shall forward my resignation to the President, to be laid before Congress, that another may be appointed - my labors have been great and very fatiguing. I am Sir with great respect

Yr most Obdt Servt.

Andrew Jackson

Gov of the Floridas &c &c &c

The Hon.ble

J. C. Calhoun

Secretary of War

Judge Fromentin - to Genl. Jackson

His Excellency

Governor A. Jackson

Pensacola Sept 3d 1821.

Sir/

I am informed that it is rumored in town that in the interview between Your Excellency and myself in the afternoon of the 24th ultimo, I had apologized to Your Excellency for issuing a writ of Habeas Corpus in the case of Col. Callava. I hope Your Excellency will not hesitate in enabling me effectually to contradict that report. Your Excellency cannot have forgotten that from the beginning to the end of the conversation, I insisted, not only on the right, but on the duty of a Judge of the U.S. to grant that writ, and that among other things, upon being questioned by Your Excellency whether I would order a writ of Habeas Corpus to be served upon the Captain General of the Island of Cuba, I told you, No; but that I would not hesitate, if the case should require it, and if I had the necessary jurisdiction, to issue one to be served on the President of the U.S. To this you answered, that the President was only liable to impeachment.

I added that I was confident that in my place you would have issued a writ of Habeas Corpus.

I have the honor to be respectfully
Yr Excellency's
Most Ob. Humb Servt.
(signed) Elig. Fromentin. Judge of the U.S. for W. F. &c.

N.B. - The answer to this letter dated 3d Sept 1821. is copied in this record - page 185 - and is correctly transcribed.

John Coppinger Connor
Executive Clerk.

Judge Fromentin to Genl. Jackson.

Pensacola Sept. 3d. 1821.

His Excellency
Governor A. Jackson.

Sir/

If your Excellency has been astonished at my letter, I may assure your Excellency that I have been not less so at reading your answer - I, to "acknowledge that I had acted hastily, without due consideration, and without proper information as to the facts of the case upon the importunities of John Innerarity and some other Spanish Gentlemen, and that had I been apprized that Col. Callava had been committed by you for contempt of your authority, that I certainly would not have interfered? Never, Sir, Never. my blood recoils at such a statement. It's last drop will flow, before I subscribe to it.

Give me leave, Sir, to put Your Excellency in mind, that you began the conversation and I could scarcely find time to place a word. Nor did you hear me mention Mr. Innerarity's name, nor any other name, until Your Excellency asked me who were the persons who had applied for the Writ - and then I mentioned Mr. Innerarity's name with the name of the other Gentlemen who jointly with him had applied for it. The conversation then turned upon the verbal application for the Writ, when Doctor Bronaugh entered and reduced that part of it to writing. The extent of your powers was the next topic - and you read the Act of Congress and began to read one of your Commissions. But neither then, nor at any other time before, did Your Excellency favor me with an entire perusal of your several commissions. On that occasion as on every other preceding occasion when our respective powers and duties were the subject of conversation, you insisted on my being confined to the two

cases stated by Your Excellency, and as that had already been referred to the President, it was unnecessary for me to insult.

It is most assuredly true that I said that I never had, nor never would interfere with your authority, nor indeed, Sir, ~~[illegible] that I am disposed to surrender the authority vested in me~~ with the authority of any other man – But, Sir, does it follow that I am disposed to surrender the authority vested in me? Assuredly not. Legal authority is one thing, Illegal authority is another thing. Upon that we differ. A higher tribunal than yours or mine, must of course pronounce.

I have the honor to be respectfully
Your Excellency's
Most Ob. H. Servt.
(Signed) Elig. Fromentin

Note – The answer to this letter dated 3d Sept. 1821 – is copied on page 186 of this record – and is a correct transcript.

John Coppinger Connor
Executive Clerk.

Pensacola Sept 21. 1821.

Sir/

I have this moment recd. yr. letter of Augt 31st. Last and hasten to express the gratification which your safe arrival at St Augustine affords me

When entrusting to you those duties which were heretofore exercised by Gov. Coppinger I was confident that the public good would not be abused and I trust with the extent of the powers given you, there will be found nothing in their execution to oppose that conciliation and cheerful obedience to the laws which it is our duty to promote and which is so strongly recommended by our Government.

From the high opinion I entertain of Capt Bell's character and the satisfaction which he has given me in the temporary performance of those duties which you have assumed; I feel assured that he will give you all the information which he has been able to acquire relative to the habits ~~which he~~ and character of the people and which may assist you in the distribution of your appointments and now that you are in possession of your powers and instructions and all things which appertain to the Govt. of E. Florida, it, I assure you is peculiarly gratifying to me to believe that no difficulties will have opposed the organization of the Govt. and that you will find not much inconvenience arising out of

your absence.

I enclose for yr. information a talk with some Indian Chiefs who have visited me - The objects of their visit to me and my views as to the course which the Govt. ought to pursue towards those Indians will be seen by a perusal of my letter to McIntosh and my talk to those Chiefs - And it is probable that your attention may be called to objects of the same nature, I have sent you my talk to them, for your guide and information

I am Sir; with great respect
Yr most Obdt Servt
(Signed) Andrew Jackson
Gov of the Floridas &c
&c &c

Wm. G. D. Worthington Esqr.
Sectry of East Florida

Pensacola 18 Sept 1821

Mr Garnier will furnish Mr. Stephen Richards, interpreter for the Chiefs of the Florida Indians now here, being five in number and two at Chattahoochy, with one barrel Flour, one hundred pounds of good Bacon, one bushel of Salt, & one gallon whiskey, with thirty pounds of hard biscuit - take the interpreters receipt for the same in duplicate form, and present the account to me for payment.

Yrs Respectfully
(Signed) Andrew Jackson
Gov. of the Floridas
&c &c &c

Executive Chamber
Septr. 22. 1821.

Lieut. Mountz having commanded the guard on the evening of the 22nd of August last, that was ordered by me to accompany Col. Robert Butler, Dr. J. C. Bronaugh and Judge Brackenridge, Alcalde for the City of Pensacola, to carry into effect my order to them requiring certain papers declared to be in the House of Col. Callava by Domingo Sousa, to be by them demanded of the said Col. Callava - and on his refusal to deliver said papers enumerated in said order, to bring the said Col Callava before me then and there to be interrogated of, and concerning said papers.

You are hereby required to make out an Official report in writing, of all the occurrences that happened on that evening - and during your command of said Guard, stating whether any

enclosures were broken down, or any act of violence committed by any of your guard or any of said commissioners — and also whether any expressions such as is alledged in Callava's publication were made by you, or any other person in your hearing, in the manner and at the time stated in said publication, which has lately appeared in one of the Orleans Gazettes.

Your Report is required for the information of Government, and it is expected as soon as possible.

I am Sir very Respectfully
Yr most Obdt Servt
(Signed) Andrew Jackson
Gov of the Floridas &c &c

Lieut Mountz.

No 1.

H. M. Brackenridge Alcalde to His Excellency the Governor.

Pensacola August 21. 1821.

Sir/

I learn from the most satisfactory evidence that a number of documents relating to estates in this place and to suits instituted here are in the possession of an individual of the name of Domingo Sousa. These papers properly belong to this Office, but were not included in the inventory delivered by the late Governor. Some of the circumstances attending the affair are of a peculiar nature, but as the necessity of obtaining possession of the documents is urgent, I must defer making a report respecting them, to some other period — At present I must request Your Excellency to authorize some one to make a regular demand of the said documents and to ascertain precisely what they are.

I am Respectfully
Yr most Obdt Servt.

His Excellency
Major General Andw. Jackson
Gov of the Floridas &c &c

(signed) H. M. Brackenridge
Alcalde

No 2

Commission to Messrs. Walton, Brackenridge & Miller.

Pensacola Augt. 21. 1821.

Gentlemen/

Having been officially informed that there are a

number of papers or documents in the possession of an individual of the name of Domingo Sousa of a public nature and which belong to the Office of the Alcalde in this Town, altho' not delivered with the other documents relating to private property, You are hereby authorized and instructed to proceed to the dwelling of the said Domingo Sousa and to make a demand of all such papers or documents, as may be in his possessions. In case the said Sousa should refuse to exhibit and deliver the same, you will immediately report the fact to me in writing

(signed) Andrew Jackson
Gov of the Floridas &c &c &c

To George Walton – Secty W. Florida.
H. M. Brackenridge – Alcalde of Pensa.
John Miller – Clk C. Court of Escambia

No 3.
The Commissioners to Mr. Sousa.

Pensacola August 21. 1821.

Sir/

We have this day been authorized and instructed by His Excellency General Andrew Jackson Governor of the Floridas, to require you to deliver up certain public documents which no private individual has a right to keep, as they relate to the rights of persons holding or claiming property in this Province. Among these papers it is believed there are the documents relating to the Estate of Don Nicolas Vidal, whose heirs are interested in the same; also the papers relating to a house and lot in Pensacola which was the subject of a proceeding between Carlos de Ville & Eugene Sierra, also a proceeding between Manuel Bonfay and Carlos de Ville relating to a piece of ground in this place and also the documents in the case of Peter Guilkes and Thomas Vieeaseca relating to real property in Pensacola – In pursuance of our instructions, we therefore make a formal demand of the foregoing and of all other papers which relate directly to the rights of private property in West Florida, and in which the inhabitants thereof are interested.

To Domingo Sousa.

No 4
From Mr. Sousa (translation) to the Commissioners.

Pensacola 21 August 1821.

Messrs. Alcalde & Secretaries.

I am a Spanish Officer staying at present

in Pensacola and subject by my Commission to the orders of the late Governor of this place, Don José Callava; consequently I have not under my charge in quality of a private individual of this Town, any papers which I am bound to deliver to you in compliance with your request. It is a positive fact that I have exercised the (functions) of Assistant witness (testigo de asistencia) for the suits in the Courts of War and Revenue in Pensacola and under the Spanish Government and that there are in my safe keeping, boxed up, some of those papers entrusted to my care by the above named Governor, for their preservation. This is all I have to communicate to you in answer to the letter which you have been pleased to address to me to day.

God preserve you many Years.

(Signed) Domingo Sousa.

a correct Translation

(Signed) E. A. Rutledge

Tr. Sp. Language

No 5

The Commissioners to Mr. Sousa.

Pensacola August 22 - 1821.

Sir/

Your note in reply to our demand of yesterday has been recd. You are in the exercise of no civil functions under the existing government. We therefore can only regard you as a private person, we do not claim any ~~private~~ papers in your possession or that of any other relating to the Military tribunals or to the revenue of the Spanish Government - But we are certain that no individual, no matter what office he may have held under the Spanish government, has any right to retain possession of Archives or documents which relate directly to the sovereignty of this Province and no reason can be given why ~~papers~~ such papers as concern property in this Country, and which may be necessary to establish titles, or assert the rights of individuals, should be withheld from the Officer now authorized to take charge of them.

We again make a positive demand of the papers mentioned in our note of yesterday, to wit, the documents in the case of Don Nicholas Maria Vidal; the proceedings between Carlos de Villa and Eugene Sierra, also a proceeding between Manuel Bonfay and Carlos de Villa and the documents in the case of Peter Guekes & Thomas Villaseca. These papers are

known to be in your possession and we demand to know by whose authority, as no person whatever has any right to authorise you to detain them.

Don Domingo Sousa.

signed { George Walton
H. M. Brackenridge
Jno. Miller.

This letter was handed to the above named Domingo Sousa by the undersigned and the said Sousa refused to receive the same

(signed) { H. M. Brackenridge
Jno. Miller

No 6.

The Commissioners to His Excellency the Governor.

Pensacola August 22 - 1821.

Sir/

At an early hour yesterday morning we repaired to the dwelling of Domingo Sousa and explained to him the object of our visit, and the authority with which we were clothed. He immediately produced two boxes containing papers, declaring that they belonged to the Military Tribunal, and to the Revenue of Spain. On examining the said papers it appeared that with a few exceptions, they related to Courts Martial, and to personal disputes between Officers and Soldiers cognizable by the Military tribunals. But the following papers we conceive to be of a different nature: the proceedings relating to the Estate of Nicolas Maria Vidal, formerly Auditor of War of this Province, and whose heirs reside in this place, they relate to property and claims in this country, and whatever the Spanish law may be on the subject of the Military privelege, by which the Military Courts have sole cognizance in all cases where persons of that profession are in any way interested, Yet in this case the persons now interested have nothing to do with the Spanish Government. Another package contains the papers in the case of Peter Quirkes against Thomas Villaseca which relates to real property that has passed into other hands. There are also the papers in the case of Manuel Bonfay against Carlos de Villa relating to a lot of ground in Pensacola; also the proceedings between Carlos de Ville and Eugene Sierra relating to real property here and in which other parties are now interested. These are all the papers, we conceive importants to the inhabitants here excepting some cases of Admiralty jurisdiction and one as late as 1819, but which appear to be principally copies, the originals having been sent to Havana.

After having examined the whole of the papers in the possession of the said Sousa, we made a demand of the foregoing, but he refused to deliver them, declaring that he was merely the servant of the late Governor Callava, who had placed them in his hands, and that without an order from him they could not be given up to us. We then made a formal demand in writing and which is annexed to this report; and the same evening we received his answer hereto annexed. We then prepared the annexed letter of the 22nd but when presented to him by Col. Miller & H. M. Brackenridge he declined receiving it, stating that he had no control over the ~~property~~ papers, that Col. Callava was the person of whom they must be demanded and therefore refused to receive any letter from them. He further states that he had communicated the demand to Col Callava, who told him to answer by simply stating that he was subordinate to his (Callava's) orders. He said that in order to relieve him from the responsibility of keeping the papers, he was about to deliver them to the late Governor.

(signed) George Walton
H. M. Brackenridge
John Miller

No. 7.

Order for the arrest of Domingo Sousa

It being made known to me by the Report of Col. George Walton Secretary of West Florida, H. M. Brackenridge Alcalde for the City of Pensacola and Col John Miller Clerk of the County Court for the County of Escambia duly authorized and appointed by me to make demand of & to receive the following documents and archives claimed to appertain and belong to the following persons as evidence of their real and personal rights which are guaranteed to them by and under the 2nd Article of the late treaty with Spain and which are represented to be in the possession of Domingo Sousa who states that these documents and papers have been placed in his charge and care by the late Governor of W. Florida, Don Jose Callava, that is to say, First, the documents relating to the estate of Nicolas Maria Vidal. Second the documents ~~relating~~ in the proceedings between Carlos de Ville and Eugenia Sierra, Third, the documents in the case of Manuel Bonfay and Carlos

de Ville. Fourth, documents in the proceedings in the case of Peter Guickes against Tomas Villasca - Col. Robert Butler of the army of the U.S. and Col John Miller Clerk of the County of Escambia are hereby commanded forthwith to proceed to seize the body of the said Domingo Sousa together with the said papers and bring him and them before me at my Office immediately to the ends that he, then and there answer such interrogatories as may be put to him, and to comply with such order and decree touching the said documents and records as the rights of the individuals secured to them by and under the second article of the Treaty with Spain - Concluded at Washington the 22^d day of February 1819 and ratified on the corresponding day of 1821. may require, and the justice of the case may demand - Given under my hand at Pensacola this 22^d. day of August 1821.

(Signed) Andrew Jackson
Gov of the Floridas &c &c

Return of Col's Butler & Miller to the above. No. 8

Pensacola August 22 - 1821.

We have the honor to report that we proceeded to the house of the within named Domingo Sousa and found that the papers referred to had been by him taken, thro' the aid of a Negro (as he reports) to the house of Don José Callava late Governor. The body of Domingo Sousa is herewith presented to you.

We have the honor to be - very Respectfully
Yr. most Obdt.
Robert Butler
(Signed) Col U.S. army
John Miller.

His Excellency
Andrew Jackson
Govr &c.

Examination of Domingo Sousa No. 9

Office of the Executive of Florida.
Pensacola Augt 22. 1821.

Present His Excellency the Governor.

Question 1st. Were you not in possession on yesterday and this

morning, of the following papers, that is to say the documents relating to the estate of Nicolas Maria Vidal?

Answer - Yes.

Question 2nd Had you or had you not, in the same manner at the same time in your possessions the papers in the case of Carlos de Ville and Eugene Siera relative to property in this Province?

Answer - Yes.

Question 3d Had you in your possession in like manner and time, the proceedings in the case of Manuel Bonfay & Carlos de Ville, relating to property in this Province?

Answer - Yes.

Question 4th. Had you in your possession in like manner and time, the proceedings in the case of Peter Guilkes against Tomas Villaseca relating to property in Pensacola?

Answer - Yes.

Question 5th - Whether the documents and papers in all the above cases do not relate to private property in this Province?

Answer - That the Estate of Vidal is at Baton Rouge, but that the heirs are here.

Question 6th Is not the Case of Carlos de Ville & Eugene Siera on the subject of a piece of ground in this place?

Answer Yes.

Question 7th. Is not the case of Bonfay and de Ville relative to a piece of grounds in this grounds?

Answer - It relates to the same piece as that of de Ville & Siera.

Question 8th. Is not the case of Guilkes and Villaseca in relation to property in this place?

Answer. That the cause related to a piece of property in Pensacola.

Question 9th When and by whom were those papers placed in ys. possession?

Answer. That those papers were placed in his possession at the time of the adoption of the Constitution, when the civil functions were distributed to the Alcalde. - that this was better than a year ago.

Question 10th - Did you ever act as Civil Alcalde of Pensacola?

Answer - No, that he was a clerk or witness de assistencia.

Question 11th Who was Alcalde at the time of your obtaining possession of the papers.

Answer - Don José Noriega.

Question 12th. Did not all papers appertaining to the rights of individuals and relating to Suits before the Alcalde, belong to his Office?

Answer - Yes - All that were of a civil Nature, and all such have been delivered, but not the Military papers.

Question 13th. At what time this morning were the papers which had been demanded of you, delivered by you, to whose order, and thro' what channel?

Answer. That after the demand had been made by Col Walton, the Alcalde and Col. Miller now present, he went to Col. Callava and stated that he wished to free himself from the responsibility of Keeping them and that he this morning at Eleven oclock, had them carried to Gov Callava's house by a Negro belonging to Manuel Domingo and there delivered to Fullarat the Mayor Domo of the Governor.

Question 14th. When you stated that you wished to free yrself from the responsibility of Keeping the papers, what was the reply of Governor ~~Call~~ Callava?

Answer. He said Nothing.

Question 15th. Do you Know that Gov Callava received possession of the papers?

Answer. He does not Know positively whether the Governor had received them or not - that he went with the Negro - and the papers were left at the house - There was no person there but the Mayor Domo in whose charge they were left.

(Signed) D. Sousa.

No. 10.

It being made Known to me by the confession of Domingo Sousa that the papers named in the petition of Henry M. Brackenridge Alcalde for the City of Pensacola and which were demanded under my orders as the property of private individuals by Col. George Walton Secretary for West Florida, Col John Miller, Clerk of the County Court of Escambia, and Henry M. Brackenridge Alcalde for the City of Pensacola were after said demand in pursuance of my orders as aforesaid was made; by the said Domingo Sousa and a Negro Man, carried (this day) to the house of the late Governor Don José Callava & delivered the said documents and papers into the possession of his Steward named Fullarat.

Col Robert Butler of the Army of the U.S. and Dr J. C. Bronaugh, accompanied by Henry M. Brackenridge Esqr

Alcalde for the City of Pensacola, will wait upon Col. Don José Callava and his Steward named Fullarat and demand from them the follow-ing papers this day delivered to the said Fullarat at the house of the said Col. Callava, by the said Domingo Sousa, that is to say - First, the documents and papers relating to the estate of Nicolas Maria Vidal - Second - the documents in the proceedings between Carlos de Villa and Eugene Sierra - Third, the documents and papers in the case of Manuel Bonifay and Carlos de Ville. Fourth, the documents and papers on the proceedings in the case of Peter Guilkes against Tomas Villaseca, all which documents and papers are acknow-ledged to be the property of individuals and appertaining to their rights, and which are secured to them by and under the 2nd Article of the Treaty with Spain, concluded at the City of Washington on the 22nd day of February 1819 and ratified on the corresponding day of 1821. and must remain for the protection of the rights and property of the said individuals, and no Officer of Spain can rightfully take them away or keep them from the possession of the duly appointed Alcalde for the City of Pensacola.

It is further ordered that if the said late Governor Don José Callava or his Steward Fullarat, when the above described papers are de-manded of them should fail or refuse to deliver the same, that the said Don José Callava and his Steward Fullarat be forthwith brought before me at my Office, then and there to answer such interrogatories as may be put to them of, and concerning the premis-es, and to abide by and perform such order and decree touching the said documents and papers secured to them as aforesaid and the Justice of the case may demand.

Given under my hand at Pensacola this 22nd day of Augt. 1821.

(Signed) Andrew Jackson
Gov of the Floridas
&c &c &c

To Col. Robert Butler of the army of the U.S. and Doctor J. C. Bronaugh in company with - H. M. Brackenridge - to execute, return and report thereon

N.B. The orders to Col. Brooke & Lieut. Mountz - copied on page 225 should have followed this order.

No 11. Report of Col. Robert Butler & Dr. J. C. Bronaugh.

Pensacola Augt 22. 1821

Sir/

Pursuant to your official order bearing this date we proceeded to the house of Col. Callava who was absent, but

again returning to his house shortly after, we found him accompanied by a number of Spanish Officers clothed with their side arms and Mr. John Innerarity, in the porch. The demand was formally made of the documents enumerated in your order and peremptorily refused; when he was informed that his refusal would be considered as setting at defiance the authority exercised by you as Gov. of the Floridas in the execution of the laws, and they were again demanded and the consequence of refusal on his part enumerated, but in which refusal he still persisted and we were about taking our leave to prepare for the final execution of your order, when Col. Callava declared, that if we would furnish him with a copy of the memorandum setting forth the documents required, he would deliver them to us, to which we assented. The Alcalde H. M. Brackenridge accordingly waited on him with a copy of the memorandum herewith accompanied and informed him that he would call in two hours for the reception of the documents as promised.

We proceeded at the appointed time and found the gate and front part of the house closed, the former we opened by removing a bar, and on approaching the latter, a considerable stir seemed to be making in the house; we knocked several times without receiving any answer, when admittance was demanded in the name of the Governor in three instances, still without reply. The Guard was then ordered to advance and form in front of the house, and part detached to the rear, when it was discovered that the back door was open and several Spanish officers, with Mr Innerarity who is one of your Cabildo, were on the porch. We enquired for Col. Callava, to which we were answered, they did not know where he was; lights were procured & the rooms searched, when Col. Callava was found in his bed divested of his Coat. Demand was then made of the Documents agreeably to his promise and to our astonishment they were still refused and several attempts made on his part to shew that he was not amenable to the laws, to which he was answered that the Governor was in the execution of the laws, bound to demand the papers, as they appertained to the rights and property of individuals resident in Pensacola, and that formal complaint had been made, that they were improperly detained withheld, and that the Governor knew no distinction between Col. Callava and any other man under his government.

We then proposed that Col Callava would deliver the papers and he should have our receipt for them - which was also refused. We then again demanded them, reiterating our sentiments that his

refusal would be [struck through] as an act of open mutiny to the Civil authority exercised in the Floridas, and that he must expect the consequences: he persisted to refuse and the Officer of the Guard was ordered to take him and Fullarat (his Steward) into custody and bring them before Your Excellency which is now done. We would add in conclusion that Col. Callava repeatedly asserted that he would not be taken out of his house alive; but he seemed to act without much difficulty when the Guard was ordered to prime and load. A Corporal and three men were detached to remain, and guard the house of Col. Callava and to prevent the removal of the Boxes which had contained the documents and which Mr. Brackenridge recognized in the bed room. From the relation in which Mr. Innerarity stands in this business together with the interest taken on the side of Col. Callava and at the same time exercising the functions of one of the Cabildo of this City, we deem it an indispensible duty to recommend that Your Excellency will fill his place in the Council with a character who will manifest a proper respect for the dignity of the Laws and you, their Executive.

We have the honor to be
&c &c &c
(signed) Robert Butler
Col U.S. Army
J. C. Bronaugh

To His Excellency
Andrew Jackson
Gov of the Floridas
&c &c &c

No 12.

Memorandum referred to in the above Report.

Memorandum of the documents which have this day been demanded of Col José Callava, agreeably to the order of His Excellency Major General Andrew Jackson, Gov. of the Floridas and which on the demand of Col Robert Butler and J. C. Bronaugh accompanied by H. M. Brackenridge [struck through], Col. Callava promised to deliver to Col. Butler if they should be found in the Boxes delivered to him by Domingo Sousa.

1. The papers relating to the estate of Nicolas Maria Vidal.
2. Proceedings in the case of [struck through] Carlos de Villa and Eugene Sierra.
3. Proceedings in the case of Manuel Bonfay & Carlos de Villa
4. Documents in the case of Peter Guilkes and Tomas Villalaca

The whole of the above papers having relation to the rights of property in West Florida, and in which, private individuals are interested.

Pensacola August 22nd. 1821.

(Signed) H. M. Brackenridge
Alcalde.

Order to Col. George M. Brooke.

Pensacola August 22. 1821.

Sir/

You will furnish an Officer, Sergeant, Corporal and twenty men and direct the Officer to call on me by half after eight o'clock. P.M. for orders; they will have their arms and accoutrements complete, with twelve rounds of ammunition.

Respectfully
yr most Obdt.
(Signed) Andrew Jackson
Gov of the Floridas &c. &c. &c.

Col. George M. Brooke.
Comg. 4th. Infantry

☞ The above order should have followed the Governor's order marked No. 10. and which is copied on page 219 of this record.

Order to Lieut Mountz – Officer of the Guard.

Pensacola August 22. 1821.

Sir/

Should Col. Callava and his Steward refuse to deliver the documents which will be required of them by Col. Butler and Dr. Bronaugh, and on the report of Col Butler to you of their refusal, you will immediately take the said Col. Callava and his Steward Fullarat into custody and bring them before me to answer such interrogatories as are required by the circumstances, attending the case.

very Respectfully
yr most Obdt
(Signed) A. Jackson

Lieut Mountz
Officer of the Guard

☞ The above order should have followed the Govr. order marked No. 10 – and which is copied on page 219 of this record.

Pensacola August 22nd 1821.

Col José Callava being brought before Andrew Jackson, Governor of the Floridas to answer certain interrogatories relative to documents and papers named in a Schedule bearing this date and which relate to the property and soverignty of the Floridas, The following interrogatories were put to him viz

Question. Were or were not the papers mentioned in a Schedule handed to you by H. M. Brackenridge, Alcalde of the City of Pensacola delivered by Domingo Sousa at your house this day to Antonie Fullarat, your Mayor Domo, and if so, at what time of the day?

Answer. Dixo que yo protesta solemnamente contra el acto que son las diez y media de la noche sacandole de su cama donde se hallaba enfermo, que se a copia como Comiss. Esp. q. es pr. el Gob. Espagnol bajo el tratado recente mt. celebrado con dicho Gob.no y el de los E. U. pr. la cesion de las Floridas cuya comision me ha sido conf

Here the Governor stopped Col. Callava and directed the following question to be put to him,

Question. Did or did not Domingo Sousa deliver at your house this day the papers above mentioned, and if so, where are those papers now, and answer this directly?

Answer - That he declines answering except in the manner he considered proper in his own language and with his own hand.

The question being repeated, he answered that he was here as a Commissioner, and could not answer in any other capacity - On which, he was informed by the Governor that he could not view him as a Commissioner, ~~and could not answer in any other capacity~~ or in any other light than as a private individual charged with refusing to surrender papers which belong to the public Archives of this Province, and of being connected with individuals charged with being about to secrete papers & to carry them out of the Country, by which the inhabitants thereof would be deprived of their evidence of property, and which under the second article of the Treaty with Spain ought to have been delivered with the other papers placed in the charge of the Alcalde for safe Keeping. The question being again repeated, he refused to answer except in the ~~same~~ manner before stated.

over =

Interrogatories put to Antoine Fullarat.

Question 1st. What is your name and age?
answer - my name is Antoine Fullarat, I do not know my age.
Question 2d. Did not Domingo Sousa deliver to you this day, some papers in Boxes at the house of Col Jose Callava?
answer - Yes.
Question 3d - Where are those papers now?
answer - They are at the house of Col Callava.
Question 4th - In whose possession are they?
answer - They are now in Col. Callava's house.
Question 5th - At what time of this day were they delivered by Domingo Sousa?
answer. He does not recollect.
Question 6 - Are you not the Mayor Domo of Col. Callava?
answer - Yes.

I do hereby certify the forgoing to be a correct minute of the examination before Andrew Jackson Governor of the Floridas, at which I acted as Clerk and interpreter.

(Signed) H. M. Brackenridge

West Florida }
Pensacola } Sct.

To the Officer of the day.

You will take into custody and safely keep Domingo Sousa, until he produces or causes to be produced and delivered unto Henry M. Brackenridge Alcalde of Pensacola, The following documents and papers to wit - Those relating to the estate of Don Nicolas Maria Vidal, also the papers relating to a house and lot in Pensacola, which was the subject of a proceeding between Carlos de Ville and Eugene Sierra - also the proceedings which took place between Manuel Bonfay and Carlos de Ville relating to a piece of ground in this place, and also the documents in the case of Peter Guilkes and Tomas Villabeca relating to real property in Pensacola, all which documents and papers appear to appertain to individuals, and their rights, and for their benefit ought to be in the possession of Henry M. Brackenridge Alcalde for the City of Pensacola, all which documents and papers were seen by Col George Walton, Col. John Miller and Henry M. Brackenridge (Alcalde) ~~for the City of Pensacola~~ ~~[illegible]~~ in the possession of the said Domingo Sousa, on the 21st instant and demanded by the said Alcalde to be delivered to him the said Alcalde under the written order of the undersigned given for that purpose, and the said documents and papers to be retained by the said Alcalde for safe keeping, on

which the said Domingo Sousa refused to deliver the same, but in open violation of the above recited order and demand, did convey the said documents and papers to the house of Col José Callava late Spanish Governor of the Province of W. Florida and left them in the hands of said Col Callava's Steward, by name Fullarat, in the dwelling house of the said Col. Callava — all which acts aforesaid of the said Domingo Sousa are in open contempt of the authority of the undersigned as Governor of the Floridas &c &c and in open ~~contempt~~ violation of the rights of the Citizens secured to them under the second article of the late Treaty with Spain, for all which, and until he the said Domingo Sousa complies with the foregoing order by delivering the aforesaid enumerated documents and papers, he is to stand committed to the Calaboze.

Given under my hand this twenty second day of August Eighteen hundred and twenty one

(signed) Andrew Jackson
Governor of the Floridas
&c &c &c

West Florida }
Pensacola } To Captn Dade — Officer of the Day.

You will take into custody and safely Keep Col. Don José Callava and his Steward Fullarat until the documents and papers recited in the order annexed for the arrest of Domingo Sousa are produced and delivered unto Henry M. Brackenridge Alcalde of the City of Pensacola. Given under my hand this twenty Second day of August 1821 — (signed) Andrew Jackson
Gov of the Floridas
&c &c &c

Pensacola August 23. 1821.

Sir/ Having strong grounds to believe that the documents and papers claimed by me as appertaining to the Archives of this Province and directly relating to the property and sovereignty of the same, are now in the house of Don José Callava, but enclosed in Boxes, I beg leave to request that authority may be given to such persons as Your Excellency may appoint to open and examine the said Boxes and to report thereon — From the examination of Domingo Sousa and Antonio Fullarat and the affidavit hereto annexed

of Merced Vidal, there can be no doubt but that said documents were delivered in the Boxes before mentioned to the said Callava at his house and are in his possession. The documents demandeds are as follows:

1. Papers relating to the Estate of Nicolas Maria Vidal.
2. Proceedings in the case of Carlos de Ville & Eugene Sierra.
3. Proceedings in the case of Manuel Bonifay & Carlos de Ville.
4. Documents in the case of Peter Gwilkes and Tomas Villaseca.

(signed) H. M. Brackenridge
Alcalde

West Florida.

Before me H. M. Brackenridge Alcalde of Pensacola personally appeared Mercedes Vidal Palao, who being of full age and being duly sworn, deposeth and saith - that her father Nicolas Maria Vidal left her by will, one of his heirs, and that he died about the year 1806 possessed of a large real and personal estate in Florida & Louisiana. The deponent further saith that the will of her said father together with the inventories of his real and personal estate & all the papers relating thereto, were for several years missing from the public archives of Pensacola, having been by some person unknown withdrawn from the same, that repeated solicitations were made by her to the authorities then existing here to compel the restoration of the said papers and documents, as they were, and still are necessary to enable her to prosecute her claims under the said will; that a certain John Innerarity of this place who this ~~deponent~~ deponent believes to be a debtor to the said Estate in a large amount was decreed to restore the said papers were finally restored and that a decree was passed against the said ~~John~~ Innerarity to account with the deponent as one of the heirs of Nicolas Maria Vidal. The deponent further states that a few days before the change of Government, she demandeds them of Col. Callava, who informed her that he could not give them up, as he was obliged to take them to Havana; the deponent afterwards requested permission to make a copy of them, that this was granted by said Callava, on condition that they should only be delivered by separate pieces or parcels and that a confidential person should be founds to copy them, but the deponent says that the expense of copying them exceeds her means, as they amount in all to several hundreds pages of common writing paper. The deponent afterwards learned that the said papers, were in the actual possession of Domingo Sousa, who acknowledged the same and delivered three pieces to her for the purpose of

being copied; the deponent further states that the said papers relate to property in this Country and in Louisiana, and were necessary in order to enable her to prosecute her claims under the will of her father.

(Signed) Merceds Vidal

Sworn and subscribed before
me this 23d day of August 1821

(Signed) H. M. Brackenridge
Alcalde

West Florida }
Pensacola } ss.

Agreeably to the petition of H. M. Brackenridge Alcalde for the City of Pensacola hereto annexed, and the affidavit of Mercedes Vidal, relating that she has reason to believe from what Col. Callava has told her, that those papers would be taken to Havana and Whereas Domingo Sousa, in his declaration before me the undersigned on the 22nd instant declared that he had in open contempt of my order requiring that he should deliver the documents and papers named in the annexed petition of H. M. Brackenridge Alcalde for the City of Pensacola, that he the said Domingo Sousa had delivered them to Antonie Fullarat the Steward of Col. Jose Callava and in the house of said Callava, and whereas an order was issued by the undersigned on said declaration of said Domingo Sousa that a demand should be made to Col Jose Callava and his Steward Fullarat, that they deliver said papers agreeably to a schedule delivered by Col. Robert Butler of the army of the United States and Doctor J. C. Bronaugh accompanied by the said Alcalde for the City of Pensacola, who proceeded and made demand of the aforesaid papers which Col. Callava refused to deliver, on which an order was made to bring the said Callava and Fullarat before me to answer such interrogatories as might be put to them &c &c — This order being executed and the parties before me, Col. Callava having declined answering interrogatories put to him, except in his own way and as Commissioner of Spain for the delivery of West Florida and its dependencies which the undersigned would not in his judicial capacity nor could he know him in any other than his individual capacity brought before him on the complaint of his acts being injurious to the rights & property of individuals and in open violation of the orders of the undersigned and in contempt of his decrees — Fullarat being interrogated declared, that he received from Domingo Sousa the papers alluded to and that the said papers in boxes were in Col. Callava's house —

Col George Walton Secretary of West Florida, Col John Miller, Clerk of the County Court County of Escambia, David Shannon Esqr Presiding Justice of said Court, and Thomas Brownejohn Esqr accompanied by H. M. Brackenridge Esqr Alcalde of the City of Pensacola will forthwith proceed to the house of Col José Callava and make search for said papers, breaking open said boxes and if said papers as mentioned in the annexed petition are found therein, to take the same and bring them to the undersigned, with this warrant, leaving all other papers in said Boxes secured in the same way as the said boxes are found and report to me in writing, how they have executed the warrant.

Given under my hand and private seal (there being no Seal of Office) at Pensacola in West Florida the 23d day of August - Eighteen hundred and twenty one.

(Signed) Andrew Jackson {Seal}

Gov of the Floridas &c &c &c

In the execution of the above order, we the undersigned proceeded to the dwelling of Col. Callava and having opened a box containing papers, found the documents enumerated in the above list, and after taking them out, again closed the said Box, placing a seal upon the same. We now deliver into Your Excellency's possession the papers and documents as before enumerated -

Pensacola Augt. 23d 1821.

(Signed) George Walton
Secty W. Florida
John Miller
D. Shannon
T. Brownejohn

To His Excellency
Genl Andrew Jackson
Gov of the Floridas &c &c &c

West Florida }
Pensacola } ss

Application being made to the undersigned this 23d day of August 1821. by H. M. Brackenridge, Alcalde for the City of Pensacola by petition founded upon the affidavit of Mercedes Vidal of the 23d of August 1821, and on the declaration of Domingo Sousa and Antonio Fullarat Steward of Col Callava, that the first had delivered and the latter received at the house of Col. José Callava the papers found at the house of Domingo Sousa and by the order of the undersigned

commanded to be delivered for the use of the individuals whose rights were involved and concerned, into the hands and possession of H. M. Brackenridge Esqr. Alcalde for the City of Pensacola for safe keeping and that said papers were in the Boxes as above delivered and in the house of said Callava and information being made to me by the Report of Col Robert Butler, Dr. J. C. Bronaugh and the said H. M. Brackenridge Alcalde as aforesaid that the said boxes were seen in the house of the said Callava on the evening of the 22nd instant and it being stated by the affidavit of Mercedes Vidal that the papers were about to be taken to Havana, and a warrant prayed to make search for the same — and whereas the said warrant was granted to Col George Walton Secty of West Florida, Col John Miller, Clk of the Court for the County of Escambia, David Shannon Esqr Presi-dent of the said Court and Thomas Brownejohn Esqr accompa-nied by H. M. Brackenridge Esqr Alcalde of the City of Pensacola to execute and report in what manner they had executed the same — who made the following report thereon " In the execution of our order, we the undersigned proceeded to the dwelling of Col. Callava, and having opened a Box containing papers, found the documents enumerated in the above List, (which accompanied the warrant) and after taking them out, again closed the said Box placing a seal upon the same. We now de-liver into Your Excellency's possession the papers and documents as before enumerated — Pensacola August 23d 1821 — signed George Walton, Secty W. Florida, John Miller, D. Shannon, T. Brownejohn; addressed to His Excellency Genl Andrew Jackson Governor of the Floridas &c &c &c — Whereupon the un-dersigned ordered that said papers be, and remain in the possession of Col. George Walton Secretary of West Florida and by him be delivered over to H. M. Brackenridge, Alcalde for the City of Pensacola for safe-keeping, taking his receipt for the same.

The Officer of the ~~Guard~~ day over the Guards of Pensacola Captain Wager will therefore discharge Domingo Sousa, Col José Callava and Antonie Fullerat, Col. Callava's Steward from the custody of the Guard, make known to them that the papers for the non-delivery of which and contempt of the orders of the undersigned they were confined, are in my custody, to be handed over to H. M. Brackenridge Esqr. Alcalde for the City of Pensacola for safe keeping for the benefit of the individuals and their rights, that may be concerned, making them subject to such costs as the said H. M. Brackenridge Alcalde

for the City of Pensacola, may tax against them. Then conduct Col. Callava to his house, examine if the two Boxes of Papers remain sealed, leave him in possession of them and dismiss the Guards from his house & report the same to the undersigned with this order.

Given under my hand at Pensacola this twenty ~~second~~ third day of August Eighteen hundred and twenty one.

(Signed) Andrew Jackson
Gov of the Floridas

Note. The report of Captn. Wager's having executed the foregoing order will be found at the top of Page 236-

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Office of the Executive of Florida.
Pensacola August 23d 1821.

Present - His Excellency the Governor.

The order for the discharge of Col. Don José Callava, Domingo Sousa and Antonio Fullarat, being under the consideration of His Excellency, the same being written but not yet issued - Captain Wager the Officer of the day, presented to His Excellency the following communication viz.

Pensacola W. F. 24 August 1821.

Sir/ I have the honor to state that the within paper from Judge Fromentin was handed to ~~[illegible]~~ served upon me as Officer of the Guard stationed at the Calaboze, on the 23d. instant by a person who I have reason to believe was Doctor Brosnaham of this Place who stated that he served it as a friend and who, on being informed that no notice would be taken of the within paper - retired.

very Respectfully I have the honor to be
Sir Yr most Obdt Servt.
(Signed) G. W. Mountz
Lieut 4 Regt U.S. Infantry

To His Excellency
Andrew Jackson
Gov Floridas &c

The within paper was handed immediately on its receipt to Captn. Wager Officer of the day. - (Signed) G. W. Mountz
Lieut 4 Regt U.S. ~~Infantry~~

The United States - to Lieutenant G. W. Mountz of the 4th. Regiment of Infantry U. S.

Greeting.

You are hereby commanded that you forthwith have the body of José Callava late Governor of the Province of West Florida now in your custody, as is said, together with the day and cause of his caption and detention, by whatever name he may be known, before the Judge of the Court of the United States for West Florida and for that part of East Florida which lies westward of the Cape at his Chamber in the City of Pensacola, to do, receive and submit to whatsoever the said Judge shall consider in that behalf; and have you then and there this writ, with your doings thereon.

Witness Eligius Fromentin Judge of our said Court this twenty third day of August in the Year of our Lord Eighteen hundred and twenty one.

I allow this writ

(Signed) Eligius Fromentin

Judge of the U. S. for West Florida and for that part of East Florida, which lies westward of the Cape.

Endorsed

I allow this writ

(Signed) Eligius Fromentin

Judge of the United States for West Florida and for that part of East Florida, which lies westward of the Cape.

Whereupon it was ordered by His Excellency ~~that further twice~~ the Governor that Captn. Wager report to Mr. Fromentin that the prisoners were confined for an open contempt of His Excellency's orders and decrees and that he would keep them confined agreeably thereto until released by His Excellency's orders: And His Excellency the Governor issued the following further order - viz.

Eligius Fromentin Esqr. will forthwith be and appear before me to shew cause why he has attempted to interfere with my authority as Governor of the Floridas exercising the powers of the Captain General and Intendant of the Island of Cuba over the said Provinces and of the Governors of said Provinces respectively. In my Judicial capacity as Supreme Judge over the same and as

Chancellor thereof having committed certain individuals charged with a combination to secrete and of having attempted to secrete and carry out of the Territories ceded to the United States, the evidence of individual right to property within the said Territories, which has been secured to each individual under the Second article of the late Treaty with Spain and in open contempt of the orders and decrees made by me and that the said Eligius Fromentin Esq. be and appear before me at my Office at Five Oclock P. M. in Pensacola, to make known the above cause and to abide by and perform such order and decree as the undersigned may of right deem proper to make, of and concerning the same.

Given under my hand at Pensacola this 23d day of August 1821.

(Signed) Andrew Jackson
Gov of the Floridas
&c. &c. &c.

To Col George Walton
Sec of West Florida to make known and execute the above and to furnish a Copy of the above if required, returning this Original and in writing making known how he has executed the same.

(Signed) A. J.

Upon which order Col Walton made the following return viz
" By virtue of the above order I have summoned Eligius Fromentin Esq. personally to appear at the Office of His Excellency Major General Andrew Jackson at Five oclock this afternoon, and at his request, have furnished the said Eligius Fromentin with a Copy of the above order certified under my hand as Secretary of West Florida and the said Eligius Fromentin in answer to the said summons declared his perfect willingness to obey this and every order of His Excellency the Governor, but asserts that he is unable thro indisposition ~~th~~ to attend this afternoon as above he is required. August 23d. 1821

(Signed) George Walton
Secty. W. Florida.

Whereupon it is ordered by His Excellency that further time till tomorrow afternoon at 3 oclk be given the said Eligius Fromentin to appear and shew cause as above he is required.

\# Captn. Wager to His Excellency the Governor.

Pensacola 24 August 1821

Sir/

I have the honor to report that your order of yesterday directing the release of Domingo Sousa, Col. José Callava and Antonio Fullarat has been complied with.

Immediately on the receipt of said order, I repaired to the Guards at the Calaboze, and having communicated its contents to Col. José Callava, I conducted him to his own house, where I examined two sealed Boxes said to contain papers. I further attended him in the examination of his own effects, with the safety of which he appeared satisfied. I then dismissed the Guard from his house and left him in peaceful possession of it.

I have the honor to be Sir

Yr Obdt Servt.

(signed) P. Wager
Captn. 4th. Infantry and
Officer of the Day

His Excellency
Andrew Jackson
Govr. of Florida.

Office of the Executive of Florida
Pensacola August 25th 1821.

In obedience to the order of His Excellency the Governor, Judge Fromentin appears and acknowledges that he granted the writ of Habeas Corpus without the affidavit of any person, and that it was granted upon the verbal application of a number of individuals and upon being questioned as to the individuals who made the applications, named La Rua, Innerarity, Brosnahan, and Father Coleman. Upon being asked to whom he delivered the writ to be served upon the Officer who had in custody Col. Callava, replied that he delivered it to one of the persons who made application for it, but to which he does not know.

(signed) Eligius Fromentin

note. The word "verbal" interlined in the original by Judge Fromentin.

Whereupon it was ordered by His Excellency that the said Eligius Fromentin be dismissed without day &c.

Genl. J. to Secy of State, dated Pensacola, Sept. 30th. 1821.

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Sir,

I have not had the pleasure of receiving any letter from you since yours of the 20th ult. and in compliance with your instructions therein, am preparing a report on the subjects alluded to, which shall be forwarded in due time.

I had hoped when I last addressed you that nothing would have occurred here after the unpleasant affair of Callava, to compel me to notice the conduct of those Spanish Officers who remained, — that a decent regard for the laws, and the chief magistracy of the country, would have induced them to demean themselves peaceably during their temporary stay: — but in this I have been mistaken, and by reference to the within proclamation, and newspaper of the 29th inst. you will see the step I have been compelled to take, and the course which has led to it.

You will find over the signature of "the Spanish Officers" a violation of that decency and respect which is due me as the supreme judicial tribunal of this country, and to my sworn interpreters.

I should have been unworthy the important and sacred trust reposed in me by the President of the United States, if I could for a moment have suffered the dignity & majesty of the laws to be thus outraged, in that of my person and my interpreters, with impunity. So long as they confined themselves to a justification of themselves, it was well; but the moment they attacked with their gross falsehoods the dignity of the court and its officers, it became my duty to act with promptness. I have taken this step after mature reflection and deliberation, believing it absolutely necessary for the preservation of the peace, harmony, and good government of the country. It will not do to permit a band of Spanish Officers to keep the public mind in a constant state of excitement and alarm, and thereby weaken that allegiance of the creoles of the country to the general government, which is enjoined on them by my proclamation, and which I have every reason to believe they were disposed to yield, had it not been for the undue influence of these turbulent men moved by others who work unseen. To suffer them to remain here after being aware of these things, and shewing they defied my authority, considering themselves independent of my rule, and subordinate only to that of their chief, would have been highly improper, and would not have met the approbation of my government. As long as I have the honour of commanding here, the government and laws shall be respected; and all who deport themselves with becoming propriety shall receive every attention, urbanity, and politeness due them. Instead of Judge Fromentin aiding me in the administration of the Government I have strong reasons for believing he is exciting the course that has been pursued by these Spanish Officers.

I enclose for your information, and that of the President, my opinion and that of my legal associate on the question of my Judicial jurisdiction and powers in the Floridas, and our decision on the case that gave rise to it. If I am correct in the construction of my judicial powers, of which I have no doubt, I should have been warranted in committing all concerned. I was advised to do so, by those most friendly to the Government, — but I thought it best to extend to them all the lenity in my power, and have only in the first place required them to leave this country, as they were bound to do by the seventh article of the treaty — all which will more fully appear, having reference to my proclamation.

I am, Sir, with sincere regard and respect,

Your most obt Servt

(Signed) Andrew Jackson

H. E. John Q. Adams,
Secy of State.

Genl Jackson to the Secy of Florida — Pensacola

October 1st 1821

Sir,

I have the pleasure to acknowledge the receipt of your several letters of the 21st & 28th of August last with their enclosures, which are just at hand, and wishing to answer by the return mail which closes at 12 oclock I have but a moment to glance over them —

I am fully satisfied with your organisation of the Government — it surely would be ~~a great~~ viewed a great absurdity to see an American Government executed by Spanish Officers — It could only be intended, that the Spanish officer might be continued, on his swearing allegiance to the U States, and under its authority, taking the oath of office. I regret that Mr Reid has not reached you, by him I wrote you on this subject. You have fully met my views in the organisation you have given to the Government of East Florida, and the appointments you have made: I feel grateful for your attention to my sollicitude for ~~for~~ Majr Willis, he has been left out of service and is now cast upon the world for a support, when he least expected it — poor and pennyless he will be on as soon as he can travel there from the Bay of St Louis —

The military authority is subordinate to the civil, and bound upon your requisition to furnish any guard or command that may be necessary to carry your orders into full execution, and I am certain from the character of the officers who command there they will with pleasure yield to your requisition any Troops necessary for carrying into effect the due execution of the laws — I have sent to the commanding officer an order, a copy of which is enclosed, an order upon this subject —

You, whilst acting as the executive of East Florida, have a right to occupy the Government house, and the military must be supplied with quarters in the Forts or Town, or other Public buildings — It is true I resigned the Government house here to the officers, because I found it in decay, and that by yielding it to the Officers and renting for myself, there would be a great saving to the Public.

I cannot too highly approve the propriety of your sentiments expressed on that harmony that ought to exist between the civil and military authorities, and between the military and the citizens of the country, and I trust and hope, that the same harmony which exists here between all the authorities and the citizens may exist with you, should it not, you may rely on all my power and exertions, to restore it where it does not exist, and to remove every thing which can oppose a course

as desireable and honorable to military men, as it should be welcome and agreeable to the civil officer and citizen –

On the subject of Indian affairs, I have to refer you to my last letter of Septr 18th, with this remark, that peace must be obtained and maintained with the Indians, and it is best always to speak the plain truth to them, they cannot and must not expect to remain scattered over the Floridas – The old Red Sticks must return to the upper Creeks or be collected where the real natives of Florida may be collected by the Government – I learn that the Pamptmans on the Appilachicola are removing up to the old nation, with their families – McQueen's and Francis's clans must expect to go back to their old country, or be concentrated with the natives of Florida, already has a robbery been committed on the Appalachicola Bay by the Indians – another such offence, you may say to them, will cause a force to be marched, and punishment inflicted – they must remain peaceable, and every suspicious white man you hear of in the nation, must be apprehended and sent out of the nation

The situation of my family will compel me to remove them to Tennessee, which will occasion my absence from this place awhile – you will continue to communicate to me here, as I shall direct your communications to follow me – the Govt. being now fully organized, no injury can arise from my short absence – whether I will have it in my power to visit St Augustine before the meeting of Congress, I cannot say –

I am Sir, with great respect
Yr Mo Obt Servt
(signed) Andrew Jackson

Wm G. D. Worthington Esqr –
Secretary of East Florida

Pensacola, October 4th 1821

Sir,

I herewith transmit, such charts, surveys &c, of East Florida, as I have been able to obtain. Those drawings which accompany, and relate to the military works at St Augustine, I shall thank you to turn over to the Secretary of War. The whole of these drawings are very imperfect, and are only sent on because they are the property of the Government – I am Sir, with great respect

Yr mo Obt Servt
(signed) Andrew Jackson

The Honble J. Q. Adams
Secty of State

Pensacola October 5th 1821.

Sir/

Having organized the Government of the Floridas and it being now in full operation, I have determined to take a little respite from the laborious duties with which I have been surrounded, and leave the charge of the Floridas to the Secretaries appointed for the same. This becomes necessary, as Mrs Jackson is anxious to return home, and the situation of her health requires that she should pass through the newly settled Country before the inclement weather sets in. She and my family will leave this on the 7th and I shall accompany or overtake them with a view to return, should it become necessary for the good order of society here, before the meeting of the next Congress.

From the Report of Mr Worthington, charged with the Government of East Florida, I have but little doubt that the Government of E. Florida will be well and satisfactorily administered. I should have visited that Section of Country, but for the want of transportation, there being no public vessel put under my orders, and a private vessel could not be obtained for Charter.

I leave Col. Walton in charge of West Florida and all its dependencies, particularly instructed, and from his character and talents, I am confident that the Government will be satisfactorily administered during my absence. Everything now is progressing with regularity and harmony, and I am happy at so seasonable a time to be able to embrace that relaxation, which my enfeebled constitution requires. My labors have indeed been great, and the near approach of Congress fill me with pleasure, as I look to that period, when I can resign with propriety, and by Doctr Bronaugh you will receive my resignation of the Commissions of Governor of the Floridas &c &c. I give you this early information, that you may in the mean time select a fit person to fill this important ~~question~~ station. It will require a man of energy to rule these provinces at this time, and Congress ought to provide an energetic code of Laws for its Government, that may as far as possible dispense with all Spanish Customs and at as early a day as possible, Americanize the Floridas.

I had determined to be silent as to the Man whose energy and talents would fit him for this important station;

but justice to one, whom I think a much injured man, whose merits as a Military man were not inferior to any of his grade, and who, by a decision of a Court Martial, founded on testimony which the Government ~~cannot at this moment appreciate~~ at this time can duly appreciate, has been degraded and neglected, and if I may be permitted to use the expression, justice requires that he should again be noticed by his Government and placed in some Office, by which, he and his rising family may be released from the obloquy which the sentence of the Court has placed upon them. I have but little doubt, if the same Court had the subject now under consideration, and supported by the same evidence, it would pronounce a sentence of acquittal — for these reasons, added to my high opinion of his Military merit and his fitness for the Office, and the attachment of the people here to him, I bring him to the view of the Government, as a proper person for this appointment, I mean Col. Wm King late of 4th Regt. U.S. Infantry — a man whose service, whilst under my command, I hold in fresh recollection, and whom I believe innocent of any military offence worthy of the degradation awarded him, and on this belief, for justice and his family's sake, I now name him, when the opportunity is good, for the Government to restore him to that confidence and standing in society to which he is entitled.

I leave here with the determination of returning, sh.d Col. Walton inform me that such a step may be necessary; But it will be necessary, if possible to go with my family to Nashville. When I left there, it was on a short notice and my orders positive. I left all my military papers, and had a right to ~~expect~~ believe that all my Military — Public accounts were fully closed — Since reaching this Territory, I am informed that my Quarter Master's account for quarters and fuel, whilst in the City of Washington, has been suspended. As I am determined to have these account investigated and fully closed by Doct.r Bronaugh, it becomes necessary that I should have my papers, that this account may be examined, stated and forwarded by him. In the mean time, I assure that nothing relating to my private

concerns, shall prevent my return hither, should my presence become necessary, Trusting to your Goodness to have a successor appointed to relieve me, as soon after the meeting of Congress as your convenience will permit.

Mrs. J. joins me in a tender of our respects to Mrs. Monroe and your family, and our best wishes for your health and happiness; and believe me, with sincere respect — Yr most Obdt Servt.

(Signed) Andrew Jackson

James Monroe
President of the U. S.

Sir/ Pensacola Oct. 1821.

Having fully organized the Government in the Floridas, the situation of my family, and Mrs Jackson's great desire to get home before the weather sets in, compel me to leave the Territory for a short time, and leave you to administer the Government of West Florida with all its appendages until my return, or until Congress shall have made regulations for the Government of the same.

I herewith enclose you a Commission investing you with all the Civil, judicial and Military powers heretofore exercised by the Governor of W. Florida under the Spanish authority, at the date of the late Treaty with Spain — referring you also, to the case decided as to Jurisdiction in the case Vidal's Heirs vs John Innerarity.

In administering the Govt. of West Florida, you will be governed by my instructions from the President of the U. States which you will gather from my Commission as Govr. of the Floridas &c &c &c, bearing date the 10th. day of March, my third Commission of date 20th. March 1821. and from the instructions given by the Secretary of State to me under them, all of which you have recorded in the Book containing the Executive proceedings, and which is in your possession as Secretary of West Florida, & such other instructions as you may receive from me on this subject.

You are well apprized of the cause that gave rise to my Proclamation ordering certain Spanish Officers to withdraw themselves from the Territories of the Floridas, agreeably to what they were required under the 7th. Article of the Treaty, by which they were bound to have withdrawn themselves within six months after the Exchange of the Ratification thereof. This order has been limited to those who have been guilty of the Contempt - should others who are not included, behave indecorously, and contemptuously to the existing authorities, you will forthwith order them from the Floridas. It must not be permitted, that foreign Officers remain here disturbing the harmony of society, alienating the quiet citizens of this Country from their allegiance to the Government, and treating that Government with contempt, which now exists in the Floridas. Should those Officers included in my Proclamation attempt to return without permission, you will forthwith confine them until they can be sent away; and should Col Callava return to this place in my absence, you will order him immediately to withdraw himself, as he was bound to do under the Treaty, but which he has failed to do - his conduct here in exciting disquietude amongst the peaceful citizens and Creoles - the false oath he has taken, and his contemptuous conduct to the administrators of the Government, make it necessary and proper that if he does return, he should be forthwith ordered to depart, and should he refuse, that he be imprisoned for the contempt, untill he peaceably agrees to withdraw himself, as he was bound to do under the 7th. Article of the Treaty. I have the fullest confidence, that you will administer the Government with that energy, which the peace, harmony and the protection of the Citizens and Creoles of the Country require & which is necessary to secure to the ~~inhabitants~~ people ceded with the Country, all the rights and privileges secured to them under the late Treaty with Spain. Should it come to your Knowledge that any documents or papers relating to the private property of the people in the Floridas, are about to be carried off, you will cause them to be delivered to the Office of the Alcade

for safe Keeping. This being one of the important rights secured to them under the Treaty, must be carried into effect, regardless of the standing of the individual who may attempt to deprive them of this security of the right of property, guaranteed by the Treaty, and which may be attempted to be violated.

As I have directed the Secretary of East Florida, to transmit here, all his reports, you will please open, read and forward to me such as you may deem necessary and important, to such places as my memorandum directs, calculating on my ~~early~~ speedy return to this place, on being informed of any emergency that may make my presence necessary, and all Official letters from the Heads of Departments, you will please open, read, ~~copy~~, and forward me the Originals, and all private letters you will forward to Nashville unopened.

I am Sir, with great respect
Yr obd Humble Servt.
(signed) Andrew Jackson
Gov of the Floridas
&c &c &c

George Walton Esqr
Secretary of W. Florida

West Florida. Pensacola } Authority to G. Bowie (Mayor) & H. M. Brackenridge (alcalde) to take depositions

Whereas Col. Callava as it is said has proceeded to the City of Washington for the purpose of complaining to the Executive of the U.S. through the Minister Plenipotentiary of H. C. M.; and whereas a false and scandalous publication has appeared in the Public Newspapers under the signature of the said Callava, sworn to, as it is therein stated by him and which contains gross ~~misstatem~~ misstatements and suppressions of the Truth, and if sworn to before a competent authority, may subject him to a prosecution for perjury. And Whereas it has become necessary that the President and the Government of the U.S. should be furnished with the evidence of all and every person acquainted with the facts and circumstances of the arrest

of the said Callava, on the charge of combining with Domingo Sousa and others, to interrupt me in the exercise of my judicial authority and to prevent my orders and decrees, in said capacity from being carried into execution; this is therefore to authorize and require George Bowie, Mayor of the City of Pensacola and H. M. Brackenridge, Alcalde of the said city to cause all such persons to come before them, and them to interrogate on oath touching their Knowledge of the facts and circumstances of the arrest of Callava as aforesaid, and of the facts and circumstances attending or accompanying the same, and all other matters and things to wh. they may be interrogated in relation thereto, taking the same in writing, that it may be forwarded for the information of the Government of the U. S. — Herein fail not, and with your proceedings return this writ.

Given under my hand at Pensacola, this 22nd. day of September 1821.

(signed) Andrew Jackson
Gov of the Floridas &c
&c &c

Report of George Bowie (Mayor) & H. M. Brackenridge (Alcalde)

Pensacola Sept. 27 — 1821.

Sir/

In pursuance of Your Commission or Special Warrant to us directed, requiring us to take the depositions of all persons present at the arrest of Col. Callava on the 22nd. of August last, or who are acquainted with the circumstances accompanying the same, We issued a summons to John Innerarity to appear before us on the 25th. instant to testify as aforesaid, his testimony being required for the information of the Government of the U.S. — On that day Mr. Innerarity appeared before us, and made various objections to answering certain written interrogatories which were submitted to him, whereupon we gave him time until five O'clock the day following, for the purpose of taking the same into consideration, and at that time he again appeared before us and positively refused answering, alledging various excuses, which we considered entirely insufficient; among them were the following; that by his answers he might prejudice his interest in a suit depending before the Governor — that his situation was peculiarly delicate — that the testimony required of him was ex-parte — to which, it was replied that it was understood he had given an affidavit in favor of Col. Callava, and therefore could not, in justice, refuse to give one for the use of the Govt. when regularly and officially required. He was requested to make some precise and specific objection, such as, that

he might by his answers criminate himself, or affect his interest, but he did not give any satisfactory reasons for his refusal. In fact, it was impossible for us to learn distinctly from Mr. Innerarity what his objections were. He further said that as he was a Spanish subject, it would be indelicate to press him on the subject matter, and for him to interfere in what only concerned the two Governments, or something to that effect.

September 27th 1821.

Signed { George Bowie
H. M. Brackenridge

To His Excellency
Andrew Jackson
Govr. of the Floridas
&c. &c. &c.

Summons to John Innerarity.

Executive Office Sept. 27 – 1821.

West Florida }
Pensacola }

Whereas from the Report of George Bowie Esqr. Mayor of the City of Pensacola and H. M. Brackenridge Esqr. Alcalde for the said City, appointed by my Commission to take the depositions and answers to certain interrogatories of particular persons for the information of the General Govt. and from the said Report, it appearing that John Innerarity, one of said persons, has refused to answer any and all of said Interrogatories, or depose in the case before them, he the said John Innerarity is hereby required to be, and appear before me at my Executive Office in the City of Pensacola this evening at Four o'clock P. M. to answer such interrogatories as may be put to him: herein, he is to fail not at his peril. Given under my hand at the Executive Office this 27th day of Sept 1821. (signed) Andrew Jackson
Gov of the Floridas &c. &c.

To the Sheriff, his Deputy or any lawful constable to execute and return, by a search for and service on him personally, and if not found, then a service on his family by leaving a copy at his house – first explaining it to them.

~~Interrogatories put to Mr. Innerarity by Gov. And.w Jackson & his answers.~~

~~Executive Office Sepr. 27 - 1821.~~

~~West Florida }~~
~~Pensacola }~~

~~On the 22nd day of September 1821 by a special warrant issued by the Gov. of the Floridas, and directed to George Bowie, Mayor of the City of Pensacola and to H. M. Brackenridge Alcalde of the said City, they were required to summon before them and take the dep~~

Deposition of J. J. Jackson -

West Florida }
Pensacola }

In pursuance of a Special Warrant, to us George Bowie Mayor of the City of Pensacola and H. M. Brackenridge Alcalde of said City, directed by H. E. Major Genl. A. Jackson, Gov of the Floridas and requiring us to take the depositions of all such persons were present at the arrest of Col. Callava by the Orders of the Governor and having summoned Lieut J. J. Jackson of the U. S. Army & Adjudant of the 4th. Regt, to appear before us in pursuance of the said Warrant, & having appeared on this 22nd. day of September, one thousand eight hundred and twenty one; and being sworn to make answers to such interogatories as should be put to him touching the matter, did answer as follows. -

Question 1 - Were you at the house of Col. Callava on the evening of the 22d. of Augt 1821. at the time that Col. Butler and Dr. Bronaugh proceeded there with a Guard under Lieut Mountz?

Answer - Yes.

Question 2 - Do you recollect the circumstances which ~~~~ ~~which~~ occurred previous to those Gentlemen entering the house of Callava, and what were they?

Answer - He was ordered to detail a guard consisting of one Subaltern one Sergeant, one Corporal and twenty men, with ten or twelve round of Ball Cartridge, with directions to report to His E. the Gov. by Eight Oclock that evening. This he did in his capacity of Adjudant of the Regiment - After the guard was detailed he placed it under the Orders of Lieut. Mountz who took command of it, and proceeded to the Governor to report, agreeably to his orders. - After he arrived there, the Governor was in his Office, and who gave written instructions

to proceed to Col. Callava's house, where a demand would be made of Col. Callava, by Col. Butler and Dr. Bronaugh, for certain papers; and on Col. ~~Callava's~~ Butler's Report that Col Callava would not give up the papers, Lieut. Mountz was then to take Col. Callava in person before the Governor. After receiving those instructions, he proceeded to Col. Callava's house; the Guard halted at the gate, Col Butler, Dr Bronaugh & Judge Brackenridge proceeded to the house and knocked at the door which was not opened. After the knocking was repeated several times, admittance was demanded in the name of the Governor - No answer was given. After this the before mentioned Gentlemen proceeded to the other door; and in a few minutes the Guard was marched round and ordered arms in front of it - Col Butler ascended the Steps into the Portico where were sitting a number of Spanish Officers who were in uniform with side arms, Col Brooke asked for Col. Callava, one of them replied that Col. Callava was not on the porch; the question was repeated, where Col. Callava was, and the answer was nearly the same. Col. Butler then called for Mr. Mountz to send for a candle to go into the room. He the deponent then remarked to Judge Brackenridge, there was a light in the room, after the lapse of about five minutes, the deponent made the same remark to Col Butler, with the observation that in consequence of the freshness of the breeze, it would be almost impossible to get a light there - Dr Bronaugh immediately after stated to Col Butler, there is a light in the room - let us go in. Col Butler after a moment's pause, said, suppose you go in, the Doctr. replied that he thought it would be more proper for him to go in. After this, all three went in, and the deponent followed: a light was discovered in a room to the left: on entering the room, Col Callava was lying on a bed at the far end of it, with his pantaloons on, and in his shirt sleeves - As soon as he discovered the Gentlemen in the room, he arose from his bed, and advanced to about the centre: a demand was then made by Col Butler, thro' Judge Brackenridge in Spanish for, as I understood the papers before alluded to. I do not exactly know what was then the reply of Col. Callava, but something was said about a paper which had been translated. A demand for the papers was reiterated a number of times. He was told that if he did not surrender them, he would be taken in person before the Governor. He spoke of his ill health, of his being a Spanish Commissioner, and something

about a demand being made in a proper way. He mentioned something about receipts, and Col Butler said he would give him receipts for the papers. In the course of the conversation he pointed to two Boxes to his right with black seals on them. He said something of his surrendering the papers, as a prisoner, Col Butler told him he might consider himself as a prisoner. There was a great deal said, and the deponent cannot distinctly recollect the whole. Col Butler at one time told him to consider himself as his prisoner, as it appeared to the deponent, with a view to induce Col. Callava to deliver up the papers under the idea of duress or constraint.

Col. Callava replied, to the best of the deponents recollection that as he was a prisoner, the papers were there and they could be taken by force. At this time I distinctly recollect Dr. Bronaugh saying to Col Butler - let us open the boxes and take them - Col Butler said that, that was not his ~~intentions~~ instructions, that if he could not obtain the papers, to bring Col. Callava. The parties had by that time got near the door, there had been great repetition of demands and the same replies. Nearly three quarters of an hour having by this time elapsed, Col ~~Callava~~ Butler asked of Col Callava in an emphatic manner, through Judge Brackenridge, whether he would ~~~~ deliver the papers, and if not whether he wd. go with him before the Govr. otherwise he would order the Guards. It was at this time that Callava said, he might assassinate him, but that he would never leave the room alive, of his own accord. A Corporal and file of Men, was then ordered up into the Hall and orders given to prime and load. Col Callava in a very audible voice cried out Signores. The Spanish Officers who were on the Porch, ansd. him simultaneously, but what they said, the deponent does not know. Several of them went into the room. About this time the deponent observed Mr. Innerarity. The Officer of the Guards still remained below. A good deal more conversation took place, Callava still refusing to go - a short time after the whole of the Guards was marched into the Hall and Lieut. Mountz was called upon, and told to execute his orders. At the request of deponent, Judge Brackenridge told Col. Callava to consider himself the prisoner of Lieut. Mountz

the Officer of the Guards, and to request him to go along with him. Col. Callava then called upon the Officer to remember that he was forced from his house, at such an hour and in ill health, and began to put on his uniform Coat, got his sword and Cane and came out into the Hall, and gave them to Lieut. Mountz who handed them back to him. He returned them, saying it was the Spanish Custom, when an Officer was arrested, to surrender his sword and Cane. Mr. Mountz then placed them on the mantle-piece - Col. Callava, then walked with the deponent, and the Guard followed, and thus proceeded to the Governor's Office.

Question 3d. In what manner was Col Callava received by the Governor, on his entering the Office?

Answer - He was asked by the Governor to take a seat, which he did at the table and laid his hat on the same.

Question 4th - Do you recollect the Gov. stating to him the cause of his being brought before him?

Answer - I remember that a question was propounded to him, relative to the papers - He asked for pen & ink, and commenced writing an answer - after writing some little time, he observed that his eyes were weak, and requested that his Secretary might be permitted to write, this was granted; after writing sometime the Gov. directed Judge Brackenridge with considerable earnestness, to inform him that he was not to write in the manner he was then writing, but that he must answer categorically - Yes, or, No. - Callava insisted upon answering in his own way, that he was Commissioner, that according to the Laws of Spain, he had a right to answer in his own way. The Gov. said he could not know him as Commissioner, that he was sitting as Judge, and could only know him as an individual. A great deal to this effect was said, with considerable warmth on both sides.

Question 5th - Did you see the paper on which Col Callava was writing, violently wrested from him?

Answer. The deponent did not.

Question 6th. How long was Col. Callava before the Governor before he was finally committed?

Answer. The deponent thinks at least two hours.

Question 7th. Did you hear the Governor state to Col. Callava, the circumstances of the papers having been conveyed to his house by Domingo Sousa? and did you hear any demand of them from Callava, at that time?

Answer. The circumstances were stated, and also that they had been demanded of him — and were then demanded.

Question 8th. Do you recollect whether on entering the yard of Callava, by Col. Butler and Dr Bronaugh, the fences, or palings were broken down?

Answer. The deponent saw nothing of this.

Question 9 - Did you hear any one tell Col. Callava in his house on the evening of the 22nd. that he would be sent to the Calaboze?

Answer — The deponent believes that no such expressions were used.

Question 10th Was there not as much delicacy shewn to ~~Col.~~ Callava, by Col Butler Dr Bronaugh and the other gentlemen who went to the house of Col Callava, on the evening of the 22nd. as the nature of their Commission would allow?

Answer - The deponent believes there was.

Signed J. J. Jackson
Adjut. 4th infantry
U. S. Army

Sworn and subscribed before us the 22nd of Sept 1821.

(Signed) George Bowie
Mayor of Pensacola

(Signed) H. M. Brackenridge
Alcalde of Pensacola

True Copy
J. Connor

Lt Donelson's certificate, dated Nashville November 12th 1821

I certify, that I was present when Eligius Fromentin, shortly after he had received his commission as Judge in West Florida, called upon Andrew Jackson, Governor of the Floridas &c &c, with the view of of consulting with him (as he stated) upon the nature and extent of the powers with which he, Fromentin, was clothed as Judge of the U States. He expressed himself as being absolutely at a loss to discover what duties he had to perform, and desired that Gr Jackson would candidly advise him as to the course he ought to pursue. The Governor in plain and friendly language told him, that the only U States Laws extended by the act of Congress to the Floridas, were the Laws regulating the Revenue, and prohibiting the importation of Slaves; and that he therefore believed, that his Jurisdiction could reach no further than to cases under those Laws — The Governor further told him, that if he could gather any light on the subject from a perusal of his (the Governor's) instructions and commissions, they were at his service for perusal, and that, as the Executive Clerk was then busily engaged, if he would call on some future occasion, he would read him all his powers — After this conversation J. Fromentin retired, and accordingly called the next morning — Gr Jackson was at that time engaged, not in his house — J Fromentin retired, and about one o'clock of the same day returned — after some conversation of the same purport with that before stated, the Governor requested me to go for the Record Book containing his Commissions and letter of instructions — I returned with Mr Conner, the Executive Clerk who brought and handed the Book to the Governor — The Governor then read his commissions and instructions, and handed the same to Judge Fromentin with permission to read — The three commissions given by the President to Gr Jackson, and containing all his powers and instructions were before Judge Fromentin, who, after expressing his satisfaction, having read, closed and returned them, and with some remarks, which left no doubt on my mind of his entire concurrence with the view taken of the subject by the Governor left the room, saying, that he was well satisfied, that he "had as well be off to Orleans, there being little for him to do", or, words to that effect.

The above detail is the substance of the conversation between the individuals named, the undersigned does not certify that he has given the precise language used by them —

Andw J Donelson
2d Lieut Engr Corps

Mr Miller's Certificate.

I do certify that I was present on the evening of the 22d August last when Col. Callava was brought before the Governor for refusing to deliver up the testamentary papers of the estate of Vidal, and that I attended to the conversation that took place on that occasion. I distinctly recollect that it was stated by Genl. Jackson that if Col. Callava would send a person with an officer, and bring the papers, and deliver them up, he should be released. No such expressions as that Col. Callava "might protest before God, if he pleased" I am confident, were used by Genl Jackson. No paper was wrested from the hands of Col Callava and though there was occasionally some warmth in the General's manner it is such as would be very naturally expected by the circumstances of the transaction. Towards the close of the examination Genl Jackson rose and observed to some Gentlemen near him I think Mr Innerarity and Mr Cruzat — Gentlemen you understand Spanish tell Col Callava if he does not deliver up the papers I will send him to the Calaboose. —

Given under my hand 22 Octr. 1821

(Signed,) John Miller

We were present during the whole of the above examination and fully concur ~~in the above~~ with Col John Miller in the facts contained in the above statement — Octr. 22d 1821

(Signed,) D Shannon
(Signed,) J. H. Nisbet

Mr Hannum's certificate.

I certify that I was in the Alcalde's Office on the ~~morning~~ evening of the 22d of August when Col Callava the late Spanish Governor of West Florida was brought before Genl Andrew Jackson the present Governor of the Provinces of the Floridas. Col Callava entered the door bowed and took a seat which was handed to him opposite to Genl Jackson who was seated near a table used in the office; a short time after Col Callava had taken his seat Genl Jackson stated to him through his interpreter Judge Brackenridge the nature of the allegations exhibited against him, and requested him to answer the following interrogatories (viz) were or were not the papers mentioned in a schedule handed to you by H. M. Brackenridge Alcalde of the city of Pensacola delivered by Domingo Sousa at your house this day to Anthony Fullarat your Mayor Domo and if so at what time of the day. Genl Jackson informed Col. Callava through his interpreter that these papers had been in the possession of Domingo Sou-

-sa who had stated to Judge Brackenridge and others that he Sousa had had delivered them enclosed in a box to the steward of Col. Callava at the Col's house; Col. Callava disclaimed the question at that time and after afterwards during the investigation disclaiming that he was shielded by his Diplomatic character as Commissioner for the surrender of the country. Genl Jackson answered that his official functions had ceased, as all matters touching the surrender of the country were submitted to their respective Governments and again put the interrogatory to him but couch-ed in a different phraseology from the first interrogatory." Col. Callava then asked permission to write his answer which was granted, he commen-ced writing and had wrote but a few words. He then asked permission for his Secretary Cruzat, to write for him, which was granted, Mr Cruzat then took a seat on the left of Col. Callava, the Col. began to dictate a protest. Mr Cruzat had wrote but a few lines, when Genl Jackson discovered that he was protesting against the proceedings. Genl Jackson then informed him through his Interpreter, that the ques-tion put to him was a plain proposition, and that he must give a direct answer to it, a long altercation then ensued, the Col. claiming his privileges as Commissioner, Genl Jackson denying his right to such protection," being sensible from the stubbornness manifested by Col. Callava, that he was determined to resist the authority of Genl Jackson, and likewise being satisfied from the known character of Genl Jackson, that the Col. would be compelled to bow to the Law, I left the room before the Col. was committed, and before the examination of Sousa, or Fullarat, I am certain that no paper was wrested from Col. Callava during my stay in the room — Oct. 15th 1821

Signed, Wasn L Hannum

Pensacola, October, 6th 1821.

Sir,

I have received your letter of the 20th of August last in answer to my several letters of the 16th, 17th and 18th of July, which you are pleased to inform me you have transmitted to the President of the United States at Shannondale Springs.—

You request me to communicate to you as early as possible, and as fully as may be in my power, such information as may serve to enlighten the enquiries of Congress on the different subjects which will require the attention of that body in relation to the Floridas, at their next session.

After giving this important subject the attention which it merits, and referring to the various laws which you have been pleased to notice in your letter, I proceed to lay before you such information as I have been able to collect, and, as I conceive, to be within the scope of your enquiries, together with such reflections as suggest themselves to my mind.

As a subject of the first importance at the present juncture, I must refer you to my letter to the Secretary of War of the 17th instant. You will find from that communication that the Indians are spread over the whole of East, and part of West Florida. From the talk I had with some of those chiefs who visited me some time ago, and forwarded with the letter just mentioned, the places at present occupied by them have been ascertained with tolerable accuracy; that is as far as the wandering habits of these people will permit them to be considered as occupying any place. For the greater part, these Indians consist of those who fled from the Upper Creeks in 1814, and adhering to our enemies continued at war with us until subdued in 1818, since which time they have remained in the Floridas. I am clearly of opinion that they ought to be ordered up to their old places of abode within the Creek nation, as they can have no rightful claim to lands or country within the Floridas. As to those who have been born and raised within the Floridas, it is absolutely necessary that they should be collected at one point, and secured in their settlements by act of Congress, in case they cannot be prevailed upon to unite with the Creek nation, to which they originally belonged; this latter course is very desireable for their own safety, as well as dictated to us by sound policy. They might be there completely protected by our Government, they may be provided for by an annuity, or by such other mode, as Congress in its wisdom may devise, adequate to their wants, and to induce them to embrace an agricultural life. Should the Indians prefer continuing within the Floridas it will be expedient for the safety

of our frontier on the sea coast, to concentrate them on the Appa-lachicola river immediately adjoining the southern boundary of Georgia and Alabama, on both sides of the river and Southward so as to include a sufficient area for them. By this means a suffi-cient white population may be interposed between them and the Sea Board, and afford a settlement strong enough to cover and protect St Augustine and Pensacola, as well as the Peninsula of Florida.

By referring to the talk already mentioned, you will see that the difficulty of collecting the native Indians of the Floridas, to the point on the Appalachicola, will not be great. They are rejoiced to hear that a country will be allowed them to live in at all, such has been their apprehensions of their future fate since the transfer of the country to the U States, excited no doubt by mischievous advisers, and they will be still more so, to find that they will be fostered and protected by the American Government. I have been long impressed with the absurdity of entering into Treaties with the Indi-an Tribes residing within ~~the~~ our Territorial limits, subject to our Jurisdiction and to such laws as Congress may pass for their security, happiness and safety. I therefore respectfully recommend to the consideration of the ~~Government~~ President whether it will not be proper to sug-gest to Congress the propriety of laying off a tract of country for them, and fixing a boundary between them and the settlement of the whites. It is well known to me from experience and observation that more general justice can be done the Indians by the legislative provisions of Congress than by Treaties: the poor can be better taken care of and more equal justice done the whole. I have constant-ly observed that in Indian Treaties the chiefs are ~~flattered~~ attened, and the common Indian left to starve. Another and a very important reason for adopting the Policy I have recommended, is the great obstacle which will otherwise exist to the surveying and bringing the Public lands into market, which I presume is intended to be done as speedily as possible.

The next subject which presents itself, is the form of Territorial Government proper to be adopted for the Floridas. This must be in a great measure adapted to the Geographical form and the character of the soils. The principal body of land capable of supporting a considerable population lies nearly east and west, from the Choctahatchy to the Alutchua and St Johns being about thirty miles in width by about three hundred in length and partly in East and partly in West Florida. The Peninsula has been very little explored, but from the best information I can obtain, I am inclined to think, that excepting immediately on the margin of the river St John, there is no extensive body of good land in any part of it.

although it is possible that some good soil may be found in small quantities, in particular places. with these exceptions, the Floridas consist of Pine woods and swamps. If the lower part of the Peninsula, were not as I believe it to be, capable of supporting only a very small population, the Geographical shape of the Floridas, would be extremely inconvenient. But as it is there will only be a disproportion between the length and breadth, but not such as to render it unfit for one Territorial Government. Pensacola is at one of these extremes and St Augustine at the other. The centre of the future population of the Floridas will be some where about the Suwan-ey, which is a fine river, and flows through a country of good land. The Okafinoke swamp represented on the maps as near the heads of this river, and of the Ocklockanie and St Marks has no real existence as was ascertained by me in 1818, when I marched through the country and found as represented the swamp to be the Mickasuckey Pond or Lake, in the midst of a very fertile, healthy country, and which has been settling very rapidly. It may be well to observe that the present maps only tend to deceive and mislead. Before Congress can enter upon the subject of the a separation of the Floridas into two Territories, the question of the location of the Indians must first be settled. If they be concentra-ted at the point proposed I would recommend that the Floridas be made but one Territory, and I feel perfectly satisfied with such an arrangement, two or three years would give a sufficient popu-lation to the Floridas to form a state Government. Should a separation take place this object will be long ~~defeated~~ deferred if not entirely defeated, and may produce the necessity of uniting West Florida to Alabama, which if done will of course occasion the annexation of East Florida to Georgia. The whole, if no subdivision takes place, will in a few years constitute one of the most respect-able states in this part of the Union, will exceed Louisiana in population and rival it in wealth, but if separated into two Territories the population of neither will suffice.

As far as I have been able to ascertain the wishes of the people of West Florida, they appear to be against the annexation ~~of the~~ to Alabama, and from what I can learn the same senti-ment prevails in East Florida with regard to Georgia. The best ~~wishes~~ interests of the Floridas in my opinion require that they should be united under one Territorial Government, with an eye to a speed-y admission into the union as ~~possible~~ a state, by this means a great saving to the U States will be made in maintaining two distinct Territorial Governments for an uncertain period of time.

The vicinity of the Suwaney river possess many advantages for the location of the seat of Government: it is equally central to the country east of the St Johns, the Escambia and Florida Point; over and above the advantages of being situated in the centre of a beautiful ~~little~~ lime stone country.

I am of opinion, taking into view the mixed population likely to exist here for some time, that the form of the Territorial Government ought to be simple and energetic. The Territorial organization, in the first grade of Government, adopted for the Louisiana territory, with some alterations to suit local circumstances, may answer the purpose. The Spanish population forming but a small proportion, it is of very little importance to preserve any of their ancient laws and customs; the sooner they become American the better.

The lands and the land titles of the Floridas require the most anxious attention of Congress. It is a subject of the greatest importance to the Government and ought to receive the earliest consideration. Whilst the honest grantee may be protected in his rights, the greatest pains should be taken to exclude the numerous, fraudulent and antedated claims, founded on no possession, at the time of issuing the grant or concession, and without any original record or survey in West Florida that has yet been discovered. nearly all those grants commence in 1817, by petition to the Governor for an order of survey or location, and in every instance the other parts of the title are completed from 1818 to 1821. For some years past, from all I can learn this has been a trading business, with the officers of the Spanish Govts both here and at St Augustine. The stranger was accosted in the street and offered a grant for a Doubloon or some trifle. The petition only has the appearance of being original, but in most instances in all probability antedated, the other documents attached to it, are only certified copies from the Archives in the Keeping of Pintado the Surveyor General at the Havanna, and who is even now making out official certificates of those papers to be evidence here, a kind of impudence and imposture at which Congress no doubt will be indignant. Before the year 1819, there was scarcely any such thing as a grant of land excepting in the immediate vicinity of this place, and I presume that in East Florida the number was also very inconsiderable. They were made I believe, merely with a view to this change of Governments, and with no intention

of settling. A provision similar to that contained in the 14th Sect of of the act of the 20th December 1803, declaring all incomplete grants, not commenced before 1816, and not accompanied by settlement, as null and void, would at once put an end to the whole of these fraudulent grants. As to the enormous grants in different parts of the Floridas it is not necessary for me to speak, but I am fully certain that if all are sanct-ioned it will take a country twice as large as the Floridas to gratify them. The extract of a letter from Mr Brown, a gentleman of respectabil-ity from Baltimore herewith enclosed, will shew that a grant has been made since the 24th January 1818, by the Captain General of Cuba to Arredondo for a large tract in the Alatchua plains, and which I have every reason to believe is fraudulent. I would therefore recommend that Congress should declare void all grants for land, not founded on actual possession before the 22nd February 1816, and in like manner declaring void all grants not bottomed on a conces-sion regularly made agreeably to the Spanish law, and possession taken and continued, and improvements made thereon in strict con-formity to the Spanish regulations making such exceptions as will secure his settlements &c, to the individual who shall have had five years continued possession, prior to the 24th day of January 1818. In referring to the numerous acts of Congress for the adjustment of the land titles in the different Territories, I find very little that is applicable at present to the Floridas, excepting the act of the 21st April 1806, the first section of which defines that no grant shall be valid, unless founded on possession, commencing with and continued under the concession by the proper officer of Spain. The greatest difficulty appears to be in the establishment of a Board of Commissioners. A great variety of plans have been fallen upon. The first consisting of three Commission-ers, Secretary, Register, Recorder, was found to be expensive and dilatory. The last adopted for the country east of the Mississippi was too simple and too cheap; two districts were formed and a single Commissioner appointed to each with a clerk who was expected to discharge all the functions of recorder and Translator. This may have answered a very good purpose in Mississippi and Alabama, but much more difficult and important legal questions will arise here; and I do not hesitate to say that the Commissioners appointed for the set-tlement of the land titles ought to be men of the first legal talents, of strict integrity, and I would add as an essential requisite possessing no landed interest in the Floridas. Per-sons will be recommended for this place who ought not to be ap-pointed. There are but few titles which are clear of dispute, and where a man has bought a title under disputed circumstances

It is very natural that self interest, and the interest of his friends, will have great weight in his mind, and precedents will be established to ensure their validity. I do not go too far when I say that no person should be appointed who has bought a land claim in the Floridas. It cannot be too strongly impressed on the mind of the President, that men of talents and strict integrity, who have no interest in lands and property in the Floridas, should be selected as commissioners to settle land titles.

It is of great importance that the Judiciary should be filled by men of first rate legal talents and unimpeachable integrity, as much will depend upon those who are employed to lay the foundation of any system. Respectability will be given to the Government by appointing men possessing weight of character, they ought to be well acquainted with the civil law, and the maritime law, as well as the common law. The same Court might have chancery powers given to it, on the plan of the Circuit Court of the U States, and I think ought to be required to hold its terms more frequently, than has been usual, or to hold adjourned courts from time to time as business may require. I consider the Judiciary as by far the most important branch of the Territorial Government; Persons should be selected whose unexceptionable character will be a pledge that they will steer clear of the influence of corruption of any kind, or partiality. To the high character of the distributors of justice from the bench, will be attached that confidence, indispensable in all well regulated Governments. It is the purity of this branch of the administration, which secures to the citizen, the peaceful enjoyment of his constitutional rights and privileges, and a speedy punishment to those who violate the law and trample upon the rights of others.

I forward you printed copies of the ordinances, as they may perhaps contain something, deserving of being permanently incorporated in the act of Congress, organising the Territorial Government —

With the high consideration and respect
I have the honor to be
Sir yr. mo obt servt.
Signed, Andrew Jackson
Govr. of the Floridas

The Honble.
John Q. Adams
Secy of the U States
Washington City —

To the Secretary of State, dated Nashville November 13th 1821

Sir,

I arrived at this place on the 6th Inst, and have deferred writing you until the present moment, indulging the expectation, that I should in the mean time, have received some communications of interest from the Floridas. In this calculation, however, I have been disappointed. In consequence of the irregularity of the mails between this and that place, there has been no arrival, bringing any thing of a later date, than that of my departure from Pensacola.

From the National Intelligencer, I have discovered that a publication has appeared in the Charleston Patriot, purporting to give the substance of a correspondence between Judge Frommentin and myself, with accompanying strictures upon the same, and stating, that "detailed accounts of the whole affair" with copies of said papers had been transmitted to Washington; that they "have been confided to Individuals, and are circulated privately". On referring to my former communications, I do not find that a copy of that correspondence has been forwarded to the Department of State, and believing, as I do, from Judge Frommentin's disregard of truth, that he has secretly circulated it, without the accompanying certificates, for the purpose, if possible, of forestalling public opinion; - I herewith enclose copies of all the documents touching the transaction, with a request, that they may be laid before the President, and should it be deemed necessary, to be communicated, for the information of the Congress of the United States. This expose furnishes a satisfactory view of the whole ground in dispute, and incontestably proves, that Judge Frommentin has been guilty of wilfully and wickedly fabricating the most palpable falsehoods. The evidences of such unblushing depravity and corruption should be placed in the possession of the President, and in strict justice deserves to be exposed to the execration of the whole American people. When an officer of such high responsibility under the Federal Government, manifests such baseness and obliquity of heart, it ought to excite our odium, and stimulate the proper authority to apply the most speedy and efficient remedy.

When Judge Frommentin appeared before me, in obedience to the citation served upon him, and made what I conceived to be a sufficient apology for interfering with my jurisdiction, by issuing the writ of Habeas Corpus, and having explicitly and positively promised that he would not

again do any act to impede the exercise of my prerogatives; I was perfectly willing that the affair should here be put to rest, and if possible, be buried in oblivion. With this view alone, I barely required his signature to so much of the proceedings between us, as was absolutely necessary for my own justification, and to shew, that he had granted the writ without petition or affidavit, agreeably to law, and that he did not recollect to whom, or to which of the applicants it had been delivered!

Although the Judge, in the publication referred to, asserts, that our interview and its results were the topics of conversation in the town of Pensacola, for a week after they transpired, I can confidently state, that they never did become the subject of remark where I was present, except on the evening subsequent to his discharge. On that occasion, there appeared to be an universal concurrence of opinion, that the Judge's apology, as made in the presence of several respectable gentlemen, was a correct and prudent measure on his part, and that it was an act of clemency and forbearance on mine, in thus terminating this hasty and indecorous attempt to embarrass the administration of justice. In as much as the instructions and duty of the Judge enjoined it upon him to cooperate with me in the administration of the Government, and in distributing justice equally to all, a general surprise was also expressed at the circumstance of his sympathies being exclusively enlisted for the relief of Col Callava: With respect to poor Domingo Sousa and Fullarat, the steward, the law was to be permitted to take its course, and although the servile instruments of Callava, they were to be left to their fate! For them, Judge Fromentin seems to have had no bowels of compassion. They might have perished and rotted in prison, before he would have stepped forward, with the sanction of his authority for their deliverance. The fact was, they had no wealth or influence, and the Judge was not, consequently, clothed with the power to issue a writ of Habeas Corpus for their relief! Agreeably to his principles, the laws of the United States are only made for the punishment of the humble and pennyless; but whenever opposed to wealth and power, they must either remain inoperative, or if enforced, it must be done with great delicacy and respect. This course of proceeding may very well comport with the corrupt and inquisitorial system of former Spanish Tribunals; but they are clearly and palpably unjust, and merit the unqualified reprobation of every honest and intelligent American. I can assure you, that so far as I have been enabled to collect an expression of public sentiment relative to the conduct of Judge Fromentin, it has evidently rendered him so odious and contemptible, that his name is

only mentioned in genteel circles, to be deprecated and despised. It is considered as flagrant and flagitious a departure from justice and propriety, as seriously to impair his standing, and rather to produce disaffection, than inspire respect and confidence in the American authorities in Florida.

Situated as Judge Fromentin was, I did not anticipate that he would have had the hardihood and temerity to revive the transaction, and make it a subject of public investigation. Good sense, as well as the best policy, would certainly have dictated a very different procedure. After his concessions, and open acknowledgments that he had acted hastily, and without due consideration of the case, it could not have been expected, that the most abandoned and profligate would have denied the facts; particularly, when these declarations were made in the presence of several gentlemen of the most unimpeachable integrity. The man who could thus prostitute his signature for the propagation of such glaring and barefaced falsehood, evinces an effrontery almost without a parallel, and a destitution of principle very incompatable with the character of one selected to administer the laws as Judge of the United States. Elevated as he was, I had hoped, that I should meet with a manly feeling and lofty integrity, corresponding with his honorable station; but I sincerely regret to say, that he has displayed a want of honesty and candour only becoming an Apostate Priest, and which is enough to suffuse the cheek of depravity itself with a blush. I may, perhaps, express my indignation upon this subject, with too much freedom. If the language is harsh, I am willing to acknowledge, that it does not altogether become me; but I am not convinced that it is not merited in its application.

Upon a perusal of the whole correspondence and accompanying documents, and after a mature consideration of the subject, I am induced to believe, that the President will be entirely satisfied of Judge Fromentin's having acted entirely regardless of principle and duty, and that he is altogether unworthy of the confidence reposed in him as a Judicial Officer of the United States. To communicate the testimony necessary to establish this fact, I have been impelled by the imperative obligation which I feel myself bound to discharge in justice to myself and our

common country.

With every assurance of respect and esteem, I have the honor to be

Y.r Ob.t Servant

Signed. Andrew Jackson

Governor of the Floridas &c &c

The Hon.ble John Quincy Adams
Sec.y of State

P. S. Doct. Bronaugh will hand you several depositions and reports in the case of Callava, which I have forwarded in addition to those heretofore transmitted upon the same subject. It is my desire, that they should be submitted to the President, and if called for, to be laid before Congress. All together, they demonstrate the falsehood of Callava's statement, and shew little regard he had for truth in making it.

(Signed) Andrew Jackson

(Hermitage 18th November 1821)

D.r Sir,

In my letter of the 5th ult. I advised you that the organization of the Government of the Floridas was complete and that it was my intention to leave Pensacola for my residence in this State in a few days. I now have the satisfaction to inform you that I arrived here on the 5th instant, with my family, all except one servant, in ordinary health as yet; I have been disappointed in receiving any communications from Florida since I left it, and cannot therefore say, whether it will be necessary for me to return there before the meeting of Congress; but should any thing occur there, to render my presence necessary, you may rest assured that I will repair thither without delay. I have this day inclosed to the Secretary of State for your information, copies of the correspondence between Judge Fromentin and myself, with the certificates which accompanied my last letter to him and with two others, which completely establish the fact, that he stated falsehoods knowingly and wilfully in his letter to me. This I found necessary as it appears he has had the hardihood to stir this subject in the public prints, and has circulated the correspondence, as I suppose, without the certificates. As I informed you in my last, having fully organized the Government and set it in operation, this fulfills the condition upon which I accepted the Appointment. By Doct. Bronaugh who will hand you this I have inclosed my resignation, requesting that at as early a day, as will suit your convenience, you will appoint a successor and accept my resignation, that I may be relieved from the duties assigned

me, and retire to private life —

I am Sir with great respect, yr mo: ob: st.

(Signed) Andrew Jackson

James Monroe

President of the U. States.

Nashville, November 13th 1821.

Sir,

Having organized the government of the Floridas, which is now in complete operation; and having accepted of the appointment of Governor upon the condition, that as soon as this object was accomplished, I should be at liberty to retire from that station; I therefore beg leave to transmit to you this my resignation as Governor of the Floridas, which I am in hopes you will accept, and appoint a successor to relieve me of my duties, as soon as it will meet your convenience.

During my administration, cases were presented, that required the energy of the law to protect the humble citizen in the rights secured to him by the provisions of the treaty. I trust, in this, as in all other cases of official duty, you will find, that I kept justice in view, and the law for my guide. It would be a gratification to me, should my administration be approved of by yourself and the nation. In taking a review of the whole of my official conduct, my own conscience completely supports me in the justice of the measures which I have pursued and adopted.

With considerations of the highest respect and esteem, I am,

Y. mo. Obt. Sert.

(Signed) Andrew Jackson.

James Monroe,

President of the United States.

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Hermitage near
Nashville 13 Nov. 1821
10 Oclock P.M.

Dear Colonel

This moment the anxiously waited for commu-nication of 15th Octbr. reached me and as the mail leaves Nashville early tomorrow I have but a moment to reply, I am happy to find that peace order and tranquility reigns in Pensacola and Florida, I knew so soon as the Spanish officers were taught to know that respect due to the American Government, peace and tranquility would prevail as it now does, I am just advised that Callava meeting with a very cool climate to the Eastward has returned to Charlyston South Carolina, this being not warm enough for his ill health he has sailed for Cuba should he visit Pensacola I trust whilst he stays (should he stay beyond your notice to depart) that you will have him for his contemptuous conduct safely kept in the Calaboze - I am gratified to find from the letter of Mr. Monroe that my conduct as far as considered is approved this letter altho official is of a nature not to be copied in your official record, altho you were right to preserve a copy least the original should be lost on its passage - The whole package came to me wet, and much abused; but all legible - It is what I expected to hear - that, those Spanish officers would not be received in Orleans with much approbation, particularly as Fulmore, one of them; piloted the British army when they invaded the country, and made the advance on New Orleans; and I suppose from that time to the present he has not visited that City -

I do suppose Judge Fromentin with all his Judicial Cunning begins to think it would have been better for him to have aided me in the administration of the Government, agreeable to his instructions than acting the tool for Spanish perfidy, and then stating a wicked and willfull falsehood to relieve him from his humble situation that his rashness ignorance and folly had placed him in - however when those things are published to the world he will find that his secretly circulating mutilated statement of the facts will be unfolded to the world and his baseness in this exposed -

please present me to my friend Capt. Call say to him I have received his letters and will answer them as early as possible, I wrote him from Judge Overtons on the 5th Inst. which I hope will reach him by due course of mail, I have only time to add that we arived at home on the evening of the 5th the Ladies in good health and all the gentlemen and servants except Mrs. J's maid taken on the road and who is still ill - The Ladies and Gentlemen Join me in a tender of their regard to you, with a request that we be presented by you respectfully to all our friends in Pensacola, in due time you shall hear from me again in the mean time accept the assurance of my Esteem and regard and believe me

to be your Mo. Ob.t Serv.t

Signd Andrew Jackson

Col.o Geo Walton

Sec.ty of West Florida –

P. S – I have the pleasure to say to you our friend Capt Easter is now with me and requests to be affectionately presented to you. He has perfectly recovered his health. Col.o Butler is with me and desires to be remembered to you kindly and thanks you for not presenting to him your respects in your letter – the latter part of this Complement he means in jest

A J –

Dr. The United States, In account current with

1821		
August 26th	To account, Robert Butler for services as Commissioner to receive East Florida	
"	George Walton "	" "
Septr 20th	" Antonie Collins	" "
27th	" George Walton	" "
"	" John C Connee	" "
Octr 1st	" Andrew Jackson	"
6th	" J Gaines	"
7th	" D Tinnea	"
"	" G D Voorhes	"
8th	" Nicholas & Tunstall	
"	" George Walton	"
"	" C Nicholas	"
"	" George Walton	"
"	" A J Donelson	
	Amount remitted to J D Boneal to pay for the making of seal of Office for the Government of the Floridas, for which his receipt has not yet been received — as per statement	"
	Remaining unexpended	$8656.50½

Nashville November 17th 1821,

Sir,

Your note of the 22d September last is just received — By Doctor Bronaugh who left this on the 14th inst, you will receive my account current with the United States, charging myself, with the ten thousand Dollars, placed to my credit by order of the Department of State — Five thousand Dollars of which, still remain in Bank; but by the Cashiers letter (Mr Solomon) of date 3d of September, he advises, that I have credit by Draft on the House of Mr Lanagan and Bogert, for Five thousand Dollars, and of course I have in my account current charged myself with the whole amount of ten thousand Dollars.

I enclose to you herewith for the safety

General Andrew Jackson Commissioner to receive & occupy the Floridas

No	Dr $	Cts		Cr $	Cts
1	714	00	By amount to be accounted for as per account rendered 24th August 1821 — "	761	80
2	5	50			
3	15	87½	By remittance in two Drafts which ~~which~~ were placed to my credit in the Branch Bank of the U States at New Orleans		
4	10	00			
5	120	00			
6	36	62½	as per letter of advice of the Secretary of State J Q Adams, under date 6th July		
7	21	62½	1821 — " — "	10.000	00
8	171	67			
9	30	00		10.761	80
10	150	00			
11	24	00			
12	38	00			
13	620	00			
14	70	00			
15	75	00			
	2105	29½			
"	8656	50½	By Amount to be accounted for — " —	8656	50½
	10761	80			

of the State Department, a special receipt for the same

Copy of Receipt — $10.000 —

Received from Fontaine Maury Agent for disbursing the funds of the Department of State, by a Deposit to my credit in the Branch Bank of the United States at New-orleans, the sum of Ten Thousand Dollars

Pensacola Octbr 7th 1821.

(Signed), Andrew Jackson
Govr of the Floridas &c

To
Fontaine Maury
Agent for Disbursements in the Dept of State

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Nashville November 17th 1821.

Dear Col.

I have the pleasure to acknowledge the receipt of your letter of the 22nd October last — yours of the 15th Octr. reached me on the night of the 13th inst, which I answered by the mail of the 14th — these two, are the only communications, I have recieved from you, since I left Pensacola. I wrote you from Tuscaloosa and from Florence, which were the only Post Offices we passed — on my arrival in the neighbourhood of Nashville I wrote Capt Call requesting he might communicate our safe arrival to you: But there is a shameful neglect some where on the mail rout from Pensacola to Nashville, The Floridian of the 8th October reached Nashville by us, one week before it reached there by mail.

I rejoice to hear that tranquillity pervades Pensacola, and its vicinity —

With regard to your Judicial powers, you have a right to exercise all Judicial powers exercised by the Governor of West Florida, at the date of the execution of the Treaty with Spain. By refering to the office of the Alcalde, I think you will find that the Governor of West Florida, exercised Admiralty Jurisdiction in all cases that arose in the harbour or Bay of Pensacola — If I am correct in this, it follows of course that you have original Jurisdiction in all maratime cases, that have or may arise in the harbour or Bay of Pensacola, until Congress alters the Govt. — as you have not given me a statement of the case, it is impossible that I can give a positive ~~case~~ opinion in this case: But I would recommend if any serious doubts should exist as to your Jurisdiction, unless justice to the parties requires you to act promptly, that the cause be postponed until we hear from Congress — it will be in session before you recieve this. But if justice requires you to act, and you find that the Governor of Spain for West Florida, has heretofore exercised jurisdiction in such cases, your duty is to proceed, take cognizance of the case, and render justice to the parties — Situated as that country is, where any individuals rights have been trampled upon, the existing powers are competent to do justice, and in ~~rendering~~ that, you will always be right.

I am happy to hear from Capt Ramage,

I trust and hope, he will sink every pirate on the coast of Cuba. I am also happy to hear of the favorable results of the election in Georgia, as far as you have been informed - I hope that the present incumbent, may be selected as Governor -

I have presented you kindly to the ladies and Gentlemen of my family, who beg me to reciprocate for them your good wishes -

Doctor Bronough went on to the city by the last wednesdays mail, by whom I have forwarded my resig-nation, to be laid before Congress, at their first meeting, and in my letter to the President which accompanied it, I have I trust named you as in justice I ought.

Present me to Call, Conner, Judge Shannon, Judge Breckenridge, and all the Gentlemen of the Bar, and all those of my friends in Pensacola, too numerous to men-tion. Say to my friends Nicholas and Tunstall, I would occa-sionally like to hear from them - the Nashville papers will give you the news of this quarter -

I am Sir, with great respect

yr mo obt servt

Signed, Andrew Jackson

Govr. of the Floridas

Col George Walton

Secy of West Florida

Of Mr Breckinridge's deposition in relation to the testamentary papers of Vidal, and the circumstances connected with their demand of Col Callava

About ten days after the delivery of this Province I was applied to by a free woman of color of the name of Merced Vidal, natural daughter of Nicholas Vidal formerly the Auditor or Judge at this place. She informed that her father had made a will leaving his real and personal estate to herself and sisters, that it consisted of lands at Baton Rouge, and monies in the hands of John Innerarity of this place as the representative of the house of John Forbes and company; that the lands had been fraudulently and illegally sold, and that the money and personal property were unaccounted for. She at the same time placed in my hands, a record of a proceeding to compel the restoration of the will and testamentary papers, which had been taken from the office some time before 1817, and alleged to be in the hands of Innerarity, and who it appeared had at length after some petitions, and many decrees, been compelled by the late Governor to restore them; which proceedings also contained two decrees signed by Col Callava, annulling the sale of sixteen thousand acres of land at Baton Rouge; and ordering Innerarity to pay between six and seven thousand dollars into the national treasury, being a deposit in his hand of money belonging to the estate. On enquiry of Merced Vidal by what means these papers had been taken out the Office, she said it had been done by a friend of hers in a clandestine manner, that as the other papers would be taken away she thought herself justifiable in doing so for her own security. On enquiring of the Clerks who had been employed in the Alcaldes office they informed me that they did not know what had became of the testamentary proceedings, and could not tell in whose possession they were at that time. A few days after, I was informed by Merced Vidal, they were in the possession of Col Callava, and that she had obtained permission to take them in separate pieces in order to have them copied, but under the injunction that they should be placed in the hands of a confidential person. She accordingly obtained one of the pieces, and brought it to me, it contained the original will, the inventories and sales of the personal property. I then learned that they were not in the actual possession of Col Callava, but in the custody of a person of the name of Sousa who had formerly been a clerk in the office. The first piece they obtained, was returned, and then others obtained from Sousa, and all exhibited to me and a note taken of them. The latest proceedings were in 1810, on which there appeared a decree against the house of Forbes to pay a large sum of money in their hands as a deposit, which had not been complied with, but from that time until 1817, nothing appeared to have been done. I was satisfied that the papers were such as ought to have been delivered under

the second Article, and the unexpected decree would produce no other conviction in my mind that the papers were necessary to enable the heirs of Vidal to prosecute their right of property in this country.

Being at a loss myself what course to pursue, considering the connection of Col Callava in the affair, I communicated it verbally to the Governor. He replied that if I had sufficient proof to warrant it, an application made to him in writing should be attended to. On this I filed the petition which will be seen by reference to the proceedings. The order was then issued to Col Walton Col Miller and myself, to proceed to the dwelling of Sousa, and to make a demand of the papers before mentioned and ~~to him~~ of such others as ought to have delivered to us under the Treaty. We accordingly waited on him and when the demand was made he appeared to be somewhat confused, declared that he had papers in his possession but had no control over them, as he was the mere keeper of them for Col Callava. He produced two open Boxes, which he permitted us to examine, with the exception of the papers enumerated in the list which was made by me, the boxes contained nothing in Courts martial, trial of soldiers &ca, and a few unimportant Admiralty proceedings, but without any thing else relating to the property of the Province. A demand of the papers was then made in writing, on which Sousa refused for the reasons before stated. According to our instructions the refusal was reported to the Governor. In the evening of the same day Sousa informed Col Miller that he had waited on Col Callava to receive his instructions, that he had been absent from home the greater part of the day. He then delivered us a note signed by himself, in answer to our written demand, which note we presumed had been dictated by Col Callava. The order was then issued the day following for the sequestration of the papers demanded of Sousa, but which in the mean time had been conveyed to the house of Col Callava.

According to the instructions to Col Butler and Col Miller, Domingo Sousa was summoned to appear before the Governor to answer interrogatories. He accordingly accompanied us, and entered the office about one O'clock. The examination which appears in the proceedings, took place in which he acknowledged the facts of the papers having been taken to the house of Col Callava. The officer of the day, Capt Dade, who had the charge of the prison was sent for, and ordered to take Sousa into custody under a commitment, but he was instructed to treat him with every possible indulgence, and Sousa was permitted to go to Col Callava in company with Capt Dade, and inform him of his situation, that if the papers were restored to him he would be set at liberty on delivering them to such person as the Governor would appoint. Sousa accordingly went, and returned with Capt Dade ~~and informed him of his situation~~ about three O'clock, who reported that they had found Col Callava dining at Col Brook's, that Sousa had had an interview with him, the result of which, was that the papers would not be

delivered

delivered to Sousa. The order directed to Col Butler and Dr Bronaugh was then made out, and about half after four O'clock we proceeded to the house of Col Callava, which is situated a few doors below that of Col Brooke. We were informed that he was not at home, that he had not returned from the dinner party. We then proceeded down the street, and in about half an hour returned, when on enquiry at the gate we received the same message as before. It was then determined that I should go to Col Brooke's and request Col Callava to step to his house, as there were some Gentlemen there who wished to speak to him on business of importance. I according-ly went and found a number of Gentlemen sitting in the dining room, and in the porch fronting the Bay after having risen from dinner. Mr Cruzat the Governors Secretary was called out at my request, who im-mediately anticipated the object of my errand, and in a passionate manner called to Col Callava, who came instantly and began with warmth to assert his rights as Commissioner of Spain, and to talk of the laws of nations. They soon after withdrew together with the Spanish officers. In the mean time Col Butler & Dr Bronaugh had come to the gate, and on being invited by Col Brooke stepped in just as the Spanish officers and Col Callava were going out. Af-ter remaining in the yard but a few minutes, we all returned and proceeded to Col Callavas house, and entered the back porch where these gentlemen had just had time to be seated. I introduced Col Butler to Col Callava, and after some common place conversation, Col Butler then directed me to state the object of our visit. This was fully explained to him by me, in the presence of his Secretary and interpreter, and of Mr Innerarity, all of whom were well acquainted with the spanish and English languages, and who occasionally as-sisted. The utmost delicacy was observed by Col Butler, but Col Cal-lava expressed himself in very vehement and passionate ~~language~~ manner, being naturally of a cholerick temper. An hour at least was taken up in this conversation, every thing was fully explained, the written order from the Governor containing a specification of the papers, the declarations of Sousa that they had been delivered to his steward, and repeated demands were made of them. He insisted on his alledged rights as commissioner, he said if the papers were demanded of him in that capacity, or as late Governor, and by writing he would reply. He said he did not know that the papers were in the boxes, that Sousa was only his servant in the affair, that he was responsible, that the papers were in his possession in the ca-pacity of late Governor, and not as an individual — After every effort was made without success to obtain the papers, the part of the order requiring to appear before the Governor to answer in-terrogatories was explained. When this was made known Mr Innerarity exclaimed "the dye is cast", and Col Callava positively

answered. He was told by Col Butler that his conduct would be considered as setting the authority of the Governor at defiance. He said that such was not his intention, but that he could not be proceeded against as a private individual. When we were about to withdraw he said that if Col Butler would deliver him a list of the documents and they should be found in the boxes, they would be delivered. This was interpreted aloud by me to Col Butler and Dr Bronough and in the presence of the persons before mentioned; if there was any mistake it most probably proceeded from Col Callava, who omitted to add the words he had so often repeated before, if demanded of him as Commissioner or late Governor. We then withdrew, and in about a quarter of an hour I returned with a list of the papers headed as appears in the proceedings. I found Col Callava surrounded by a number of his friends, making unusual preparations, packing up boxes, and he said to me himself that he was making out a protest against the proceedings and taken such precautions as would be taken by a person who expected every thing he possessed would be forcibly carried away. He talked of his public and private correspondence, his papers, ~~his papers~~, and effects, as if he thought he was about to be deprived of every thing. On presenting him the list, I informed him that nothing was wanting except the ~~two~~ papers therein specified, which could be found in ten minutes if in the boxes, that Col Butler and Dr Bronough would return in two hours and then expect to receive them. He said that the paper must be translated, and if the demand was made of him as Commissioner, and in a proper manner, he would give an answer. The list was left with him and I reported the circumstance to the Governor.

About nine o'clock accompanied by a guard Col Butler, Dr Bronough and myself went to the house of Col Callava. Leaving the guard at the gate and in the street we entered the garden in front of the house, after removing the bar by which the gate was fastened. The house ~~was shut~~ was shut up, the doors locked. On our entering the porch we heard a bustle inside resembling the rattling of guns. Admittance was three times demanded by me in Spanish, but no answer was returned. I then went round and discovered several persons in the porch on the side fronting the bay. The guard was ordered round and formed in front of a high steps which leads up to the porch; they had a short time before been ordered into the garden and had been drawn up before the front door. On ascending the steps enquiries were made for Col Callava, they all remained silent, on the question being repeated it was answered by some one that he did not know. The only light was a candle burning in one of the rooms. Col Butler ordered a candle to be brought from some of the neighbouring houses. After waiting fifteen minutes it was resolved to enter the hall, and some one brought out the candle. Two or three of the soldiers were then ordered up, we then

entered the room where the candle had been burning, and Col Callava rose from a bed with his coat off, and expressed great surprise at our entering his house at that time of night. The papers were then demanded of him as is stated in the report of Col Butler and Dr Bronaugh. He persisted in the same reasons which he had repeatedly alleged before. Every possible means were used to induce him to surrender the papers. The boxes containing them were in view, and he was told that if he would break them open we would take them. He was at length told that having refused to deliver the papers he must go before the Governor, who was then sitting in his office and waiting our return. He at first said that he might be assassinated or murdered, but that he would not leave his house alive. Col Butler told him repeatedly that he might consider himself as taken forcibly from his house, and hoped would not render it necessary to use actual force. It was impossible to have used greater delicacy towards any one under similar circumstances. When the guard was at length ordered up and the officer ordered to take him in custody, he consented to go, more than one hour having elapsed from the time of our entering the house.

On entering the Governors Office he was invited to take a seat, which he did at the table fronting the Governor, while I was seated at one end of it in the capacity of Interpreter. The Governor then requested me to say to Col Callava that he was brought before him to answer certain interrogatories touching certain papers which had been delivered at his house by Domingo Sousa in boxes, according to the confession of Sousa, and a list of the papers was read. This was fully and faithfully interpreted to him in the presence of Mr Rutledge, of Mr Cruzat, the Secy of Col Callava, both of whom understood the spanish and English languages well. Col Callava on this rose, and looking at his watch said, that it was then 10 O'clock, that at that hour he had been violently taken from his house, that he protested against the proceedings, that he was commissioner of Spain, and was not answerable as a private individual. When this was interpreted, the Governor declared that he would hear no protest against his authority while sitting in his Judicial capacity, that he could not know him as Commissioner, and then ordered me to propound the question set forth in the proceedings, and which he had part written. Col Callava repeated in substance what he said before, but with more prolixity and warmth. After some time passed in this way, he said he would yield to compulsion, but would answer only in his own language and in his own way. When this was granted he began to write, and of-

-ter writing a few lines complained that his eyes were weak and re-quested that his Secretary might write, which was granted. He then dictated to Mr Cruzat something in the shape of a protest, as a preliminary, as I understood, to his answering the question. After writing five or six lines, it was observed by H Bigelow Esqr - who appeared to be standing near the Governor, that he was dictating a protest. The Governor on this with considerable warmth, striking on the table, and addressing himself to me said: "why do you not tell him Sir, that I will not per-mit him to protest", and which was intended as a reprimand to me for suffering Col Callava to proceed in this way, when he was repeatedly told that such a course would not be allowed. Col Callava then stopped, and his Secretary left off writing in the middle of a word. I was now called upon to put the interrogatory and to say that none but a direct answer would be received. I called upon Mr Cru-zat to assist in interpreting, feeling great anxiety that there should be no misunderstanding, but he declined. The question was then repeated in the manner I have certified in the proceedings. It was fully and clearly explained to him. Much was said by way of en-forcing the question on the one side, and of the objections on the other to answering, all of which I did not consider myself called upon to explain, and in fact it was impossible: There was con-siderable warmth on both sides, and there was frequently not suffi-cient interval between what was said to enable me to convey more than the substance of what was thus spoken by way of argument, while much of it consisted of repetitions. When at last Col Cal-lava found that he would not be permitted to answer in the manner he thought proper, he declined answering at all.

The Steward, Fullarat, was then called up, and Col Callava objected to his being examined, on the ground that he was not of sufficient age. Some time was also employed with this examination, he answered that the boxes spoken of by Sousa, had been delivered to him, and were then in Col Callavas house. The Governor after the close of Fullarats testimony, said in a very deliberate and impressive manner, "that the papers had been seen in the possession of Sousa, that Sousa had acknowledged that they were delivered to the Steward in the same boxes, and by his declaration were proved to be Col Callavas house". The proof was therefore complete that the papers were in Col Callavas possession, and he was then called upon to deliver them: he was told that an Officer would be sent with some one he should name, and bring the boxes, that he might open them in the presence of the Governor, and the papers specified surrendered.

This was distinctly made known to Callava by me, and the Governor called upon Callava's friends ~~around~~ among whom was Mr Innerarity, and who were acquainted with both languages, to explain it well. I was occasionally assisted by Mr Rutledge, and every pains were taken that this part of the subject should be clearly explained. His answer proved that he did understand it. He repeated what he had said before, that he could not deliver the papers unless demanded of him as Commissioner, or late Governor, that they could not be in his hands as a private individual, that he could not say whether they were in his possession or not, enforcing the same positions with a variety of other reasons, and of which I interpreted as much as I could; among them, he said that he could only be tried by a tribunal de residencia, which at first I did not exactly comprehend, until explained by Mr Innerarity, at my request, to mean a court specially appointed to try Governors of Provinces &c, not amenable to the ordinary tribunals. The Governor in the same manner enforced his demand of the papers by a variety of reasons. He observed they were such papers as were contemplated by the second Article of the Treaty, which was read to him; that it was his duty to see for the safety of the inhabitants, and the protection of their rights, that all papers relating to the property of individuals should be left. The conversation as is natural was warm on both sides, and some expressions were softened by me in the interpretation, and others tending only to irritate and provoke omitted altogether. These were principally the appeals of Callava to the by-standers, which were frequent, loud, and inflammatory. And on the part of the Governor strong expressions 'gainst what he considered a combination between him and others, to withdraw the evidences of the right of property required by individuals - which combination I understood, and so expressed it, to be between Col. Callava Sousa, and the Steward Fullarat, but which seemed to excite some indignation; as he said "Sousa, is my domestic, my servant, he is nothing in this business." The Governor did at one time remind him of the fact that the testamentary papers of Vidal, had been by his own decree ordered to be restored to the place from whence, as he expressed it, they had been stolen. As this expression had no allusion to Col. Callava, and as I was not particularly called on to interpret it, I supplied its place by a milder term. I considered the expression as dictated by a high sense of the injustice said to have been done the heirs of Vidal, in witholding the papers, and as expressive of astonishment, that Col Callava, who had compelled the restoration of those very papers to the office whence they had been taken, should think of carrying them out of the country after he had

obtained possession of them. In the course of those remarks, the Governor reminded Col. Callava of his having promised to deliver the papers if found in the boxes - here Col. Callava exclaimed, "it is false", meaning that he had never made such promise; but which was mistaken by the by-standers. I stated that Col. Callava denied the promise, and that it was possible that I might have misunderstood him, which drew from the Governor an expression of displeasure; in a strong tone of voice he asked "why then, Sir, were you not more cautious, words which proceeded only from the irritation of the moment, while he was almost sinking with fatigue, it was then midnight, and he had been sitting with scarcely any interval from ten or eleven o'clock in the forenoon - After the lapse of two hours, the Governor rose from his seat, and called upon me distinctly to state that Col. Callava, must deliver the papers or abide the consequences - he at the same time called upon the friends of Callava, who understood English to explain to him his situation - It was fully explained to him. This was several times repeated, and at length a blank commitment which had been prepared in case of necessity was signed and Col. Callava committed to prison.

The next day, I presented a petition to open the boxes and seize the papers, which was accordingly done as will have been seen by the report -

Signed, H. M. Breckenridge

Sworn and subscribed before me this 22d Octr. 1821

Jno. Miller
Mayor.

Forwarded with the letter on the next page to the Secty of State — 24th Novr. 1821

Nashville 22nd Nov. 1821

Sir I have the honor to acknowledge the receipt of your communication of the 26th of October with its several inclosures - and pursuant to your request, I herewith submit to you some of the considerations which influenced me in the measures taken in relation to Colonel Don José Callava &c

By the 2nd Article of the Treaty Spain was bound to deliver over with the Territories &c, all Archives and documents which relate directly to to the property and Sovreignty of said Provinces - And in the language of the Treaty "the said Archives and documents shall be left with the commissioners or officers of the United States duly authorized to receive them -

On the 17th of July possession was delivered to me, by the Spanish commandant Don José Callava of the Provinces, Fortifications &c, together with what he represented to be all the Archives and public documents relating to the property and sovreignty of the soil, and which by the Treaty he was bound to deliver - On the 21st of August I received a note from the Alcade of the City of Pensacola in which he states, "I learn from the most satisfactory evidence that a number of documents relating to estates [illegible] this [illegible] and to suits instituted here, are in the possession of an individual of the name of Domingo Sousa - These papers properly belong to this office but were not included in the inventory delivered by the late Governor - Some of the circumstances attending the affair are of a peculiar nature, but as the necessity for obtaining possession of these documents is urgent, I must defer making a report respecting them to some other period - At present I must request your Excellency to authorize some one to make a regular demand of the said documents and to ascertain precisely what they are -

Upon this information, I immediately issued a Commission to my Secty Colonel George Walton and associated with him, Henry M Brackenridge and John Miller Esqrs, directing them to proceed to the House of said Domingo Sousa and to make a demand of such documents as ought to have been delivered under the Treaty - The demand being made by the Commissioners pursuant to their instructions from me, they returned and delivered to me, in answer thereto, a letter from the said Domingo Sousa, in which he admits there are in his possession certain papers Boxed up which had been delivered to him for safe keeping by Colonel Callava

The first effort to obtain from Sousa the papers sought for having failed, the application and demand was reiterated, by the same gentlemen, under my Order, they say to him "we do not claim any papers in your possession or that of any other, relating to the Military Tribunals or to the Revenue of of the Spanish Government. But we are certain that no individual, no matter what office he may have held under the Spanish Government, has any right to retain possession of Archives and documents which relate directly to the Sovrignty and property of this Province, &c And we again make a positive demand of the papers mentioned in our note of yesterday, towit, the documents in the

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case of Nicholas Maria Vidal and Eugene Lena, also a proceeding against Manuel Bonfay and Carlos de Villa, and the documents in the case of Peter Tuilky and Thomas Villa seca — These papers are known to be in your possession, and we demand to know by whose authority, as no person has the right to authorize you to detain them" — Upon the second demand the aforesaid commissioners reported to me, that Domingo Sousa had exhibited to them certain Boxes of papers for examination and that among them were the papers before enumerated, papers by which the right of individuals (some of whom were orphans) to a property of great value in the Floridas, could alone be established — papers which being indispensable to the establishment of right and title to property in the Territory, ought to have been delivered over with the Archives and public documents, as by the Treaty Spain had stipulated, and the Spanish Commandant was bound to do — Sousa however refused to deliver them, and returned them to the House and keeping of Colonel Callava, from whom he had received them — If the papers related to the property and sovereignty of the soil, Colonel Callava had no more right to detain them than had his subaltern Domingo Sousa — His function having ceased by the delivery of the province, he stood in the ~~same~~ relation to our Government in the same capacity that any other private individual would have done, he owed the same obedience to the Laws and was subject to the same punishment for an infraction of them — That I have never considered Colonel Callava as clothed with any diplomatic powers from the Government of Spain, is, as you have inferred from my letter, most certainly true; because he had not only never exhibited ~~to me~~ any credentials or Testimonials creating such powers in him, but on the contrary when I proposed to him a reciprocal exhibition of our respective authorities, he waived the ceremony — In a letter to me of the 19th of June he remarks "I repeat the assurances I have made you in other communications of my being furnished with orders, under the same Treaty to evacuate this province and give possession of it to the Commissioners or Officers of the United States lawfully authorized to receive it —

Your Excellency expresses also a wish that I would concur, in fixing a day as early as possible, and to suit the mutual convenience of both parties, for an interview and exhibition of our credentials — In reply I have to acquaint ~~inform~~ your Excellency, that in your quality of Commissioner, you may when it suits your pleasure and in the manner you may deem most expedient, exhibit your credentials to me as the existing Commandant of the province, and I have already told your Excellency that I am authorized to enter into arrangements for its being evacuated by His Catholic Majesty's Troops and delivered to your Excellency agreeably to the stipulations of our respective Governments" —

From the foregoing extract, you will be convinced I never

— Could

could have considered Colonel Callava as possessing any powers in regard to the Treaty but such as he derived from the Captain General of the Island of Cuba and by virtue of his Office of Governor of West Florida, nor can you fail to draw the conclusion that Colonel Callava did not consider *himself* competent to the exercise of any other powers duties or privileges under the Treaty than those enumerated in his letter to me, to wit, the evacuation of the Province and the surrender of it to the American Authorities; and even these he did not claim to exercise as Commissioner, but says "you may exhibit your credentials *to me as the existing Commandant of this province*" in which capacity "I am authorised to enter into arrangements for its being evacuated by His Catholic Majesty's Troops and surrendered agreeably to the stipulations of the Treaty" It had been reported to me by Colonel Forbes the American agent charged with the delivery of the Royal order to the Capt. Genl. of Cuba, that he had arrived at Pensacola on the 9th Jany. accompanied by Don Alva the Spanish Commissioner for delivering the provinces of East and West Florida, to the American Authorities appointed to receive them, this information I communicated to Col. Callava and for the considerations growing out of it, I proposed to him, as I have before stated to you, a reciprocal exhibition and recognition of our respective credentials, this he declined as you have seen; I then plainly foresaw that he wished to draw me into a delay of the time for the delivery of the Country, for if I had refused to recognize him as the Agent authorised by the Captain Genl. of Cuba to make the transfer I must either have submitted to a tedious, embarrassing and injurious procrastination of the surrender of the provinces to the United States, or have been driven to the necessity of taking it by force; and as there was no express stipulation for a formal delivery, I deemed it better to receive the Territories of him as the Agent of Spain acting under orders which he profess'd to have received, than to submit either to the delay which must otherwise have ensued or to resort to force to obtain that for my Government, which Spain was bound, by all good faith under an existing Treaty, to put into its possession, amicably and without delay. Having viewed Col. Callava then merely as an agent, invested with no other powers than a surrender of the Country and a withdrawal of the Spanish forces, I regarded him in the consummation of these duties, as entitled to all the privileges and immunities guaranteed to such Agents by the laws of Nations – But Sir the moment the surrender was made, and the soil and sovereignty of these Territories became vested in the United States, my duties as Commissioner ceased and my functions as Governor commenced. He too having accomplished all that had been assigned him to do was bound by the express stipulations of the Treaty to have withdrawn himself from the ceded provinces, neglecting so to do, no other privileges could appertain to him than such as attach

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to every individual. The faith of Treaties says Vattel is Holy and Sacred between Nations whose safety and repose it secures, and he who violates it, at the same time violates the Laws of Nations, and if the people are true to themselves, infamy will ever be the fate of him who violates his faith. By the 2d article of the Treaty which I have before quoted to you all Archives and documents relating to the property and sovereignty of the country ceded, was to have been delivered with the Territory. I would ask then, were not the papers which were secreted and attempted to be carried away (and which were the cause of his imprisonment) of the description contemplated and expressly provided by the Treaty to have been delivered? Did they not appertain to the private property of the ceded Country? Were they not in themselves private property? If so was not the attempt to carry them away, not only a flagrant violation of the Treaty, but a larceny upon the individuals whose property they were, and from whom he was clandestinely taking and carrying them off — and Sir as a proof that the papers were of the description contemplated by the Treaty to be left in the province, and that Colonel Callava intended to carry them out of the Country, permit me here to make an extract from the deposition of Maria Vidal Palao taken before Henry M Brackenridge Alcade of the City of Pensacola. She testifyed "That her Father Nicholas Maria Vidal left her by his will one of his heirs and that he died about the year 1806 possessed of a large real and personal estate, that the will of her Father with the inventories of his real & personal estate had been for several years missing from the public archives of Pensacola, having been by some person unknown withdrawn from the same, That repeated applications were made by her to the Authorities then existing there, to compell the restoration of the said papers and documents, as they were and still are necessary to enable her to prosecute her said claim, under the said will, that the said papers were finally restored under a decree — "the deponant further states that a few days before the change of Governments she demanded them of Colo Callava who informed her, that he could not give them up as he was obliged to take them to the Havana, the deponant further states that said papers relate to property in this Country and Louisiania —

In as much as Treaties contain promises that are perfect and reciprocal, if one of the contracting parties fail in his engagements the other may constrain him to fulfill them, If this is a clear principle of National Law, the right to imprison the Spanish Agent would not be in the least affected by the termination or continuation of his immunities as Agent; nor will the right of the United States to compell Spain to a faithful execution of the Treaty be disputed. If then Spain is liable so to be coerced, how much more is he subject to such compulsion who is merely her Agent — an agent too in whom we are

bound

bound to believe She reposed the most implicit confidence, One to whom She had entrusted and from whom She expected a faithfull and honorable discharge of the high Obligations She had assumed with the United States —

I have thus Sir gone through the principle Considerations that governed me in the imprisonment of Colᵒ. Callava, and have added a few of the facts that made this course indispensable. — From all of which you will perceive, that in all my intercourse with him I have viewed him in no other nor could I view him in any other light than that of Military Agent of Spain appointed by the Captain Genˡ. of Cuba to deliver over the Provinces and all things appertaining thereto Specified in the Treaty to be delivered: Which duty being complete his immunities of exemption from the Ordinary process of law immediately ceased — Admitting that he had received any diplomatic powers from his Government his obstinate refusal to exhibit them, precluded me from the possibility of appreciating them — Letters of Credence are the instruments which authorize and establish a Minister in his Character, and whether he be considered as Minister or Agent, he could only be received in the quality attributed to him in his credentials. But says Vattel "a more particular protection is due to Agents than to Other foreigners or Citizens, and some regard in consideration of the prince whom they serve". This regard was most punctiliously observed towards Colᵒ. Callava until the termination of his immunities as Agent — After which in his private capacity, he violated the Treaty, the laws of Nations, and the sacred privileges and rights of individuals entitled to the protection of the United States, and over whom I had been placed to administer the laws — to whom, to secure justice, it had now become indispensably necessary to punish him for his perfidious acts and for his contempt of my Judicial authority

The time limited by the Treaty for the delivery of the Country and withdrawal of the Spanish Officers and Troops had expired, and his pretence that he remained to await the decision of the two Governments in relation to the Artillery is a vile subterfuge which claims no consideration or remark — His being permitted to remain was a mere act of Courtesy extended to him as a Military Officer of the Spanish Government —

In my letter to you of the 26ᵗʰ of August I remark, Colonel Callavas powers having ceased him, with the Surrender of the Country, it was only a display, and so considered by me of pompous Arrogance and ignorance in him claiming the privileges of diplomacy which in fact he never possessed and his powers having ceased, his commission accomplished, the pretence which he set up was an insult to the meanest understanding —

Having as I hope explained to your Satisfaction that at the time of Colonel Callavas imprisonment he could claim no exemption from civil process by virtue of any commission he then held under the Spanish Government, and believing too that I have clearly explained and proved to you that he never did exhibit any Credentials which

—alone

Could have entitled him to the priviledges and immunities of Commissioner
I shall proceed to explain some other points to which you have directed my
attention— It is alledged by Colo. Callava as well as by Mr. Salmon
that it was necessary Col. Callava should continue in Pensacola because the Canon
belonging to the Fortifications was reserved for future negociation between the
two Governments, and that in the mean time they were kept under the Colo
Callavas care, I would ask you Sir how could Col Callava exercise any
care or keeping over them— they had formally been delivered over to and receipt
ed for by me, and the Government of the United States made responsible to
the Spanish Government, for all that had been delivered to await their
respective decisions,— Mr. Salmon as well as Col Callava asserts what
in this respect is not the fact— the language of Mr. Salmon throughout is
exceptionable and insolent, but he claims this privilege on this occasion because "His
"Catholic Majesty had determined to give a new pledge among many
"others of his particular regard for the interests of the United States, in the
"permission which he has granted them of keeping in Mahon a deposit
"of provisions and Naval Stores which they may introduce free of duties"

Then according to Mr. Salmons rule of estimating favours, because His
Catholic Majesty has granted this permission to the United States of introdu
cing provisions and Naval Stores into Mahon free of duties, The United
States ought on her part, to have permitted his Catholic Majestys
officers, to have transported from without the United States any Archives
and documents which they might have chosen to secrete, free of Molestation

The allegation that I had nineteen days before his imprisonment
written him a letter acknowledging his Commissarial Character, is unfoun-
-ded and cannot be sustained by any proof he can adduce, I did write
him a letter on the 3rd of August remonstrating against his conduct in
withholding a receipt which he had previously solemnly stipulated
to give and which according to his arrangement with me, was to
have been given on the 17th of July the day on which the province
was surrendered to the United States— In consideration of his
leaving the Ordnance in the Fortifications, I agreed to supply and
did supply His Catholic Majestys Troops with provisions to subsist
them to the Havana and furnished transportation for their Civil Officers
families and Servants and for the families and Servants of the Military
officers, all which was not stipulated to be furnished by the Treaty
but for which we were to pass mutual receipts and leave them for
the future Settlement of our respective Governments; these receipts,
were to have been reciprocally interchanged on the 17th of July before
~~[illegible]~~ on that day he plead indisposition and on his sacred
pledge of honor, I indulged him until that indisposition should be
removed

I repeatedly called on him through Maj. Stanton of the United States army, for a fulfillment of his agreement (having on my part receipted for the Cannon on the 17th of July) I now ordered Doctor Bronaugh to accompany Maj. Stanton and demand the receipts and directed them to inform him distinctly if he did not then comply I would report the same to my Government, and that the receipt I had given him for the Ordnance should be considered null and void, in as much as the condition upon which it was given had failed by his refusal to receipt to me for the Provisions and Transportation furnished by the United States — I complained to him in the letter of the 3rd of August of this Signal Breach of faith in thus evading on the plea of indisposition the performance of a Stipulated promise which was to have been consummated on the 17th of July before the Surrender — I expostulated with him for his infidelity in thus violating his pledge of honor wantonly and causelessly, in first failing and afterwards refusing to perform that which he was bound ~~and by~~ the most sacred agreement to have performed, but which he was permitted to delay until his alledged ill health should be restored — You will therefore clearly perceive Sir that this letter merely refers to what was agreed to have been done on the morning of the 17th whilst his Official Capacity as Agent existed, and not to any thing, which occurred after that day —

It is alledged that I did not call officially upon Col. Callava to deliver the papers, to this I would reply that our Official Correspondence had of necessity ceased by the termination of his powers as agent, and by the expiration of the time limited by the Treaty for the delivery of the Country — Sitting in my Judicial Capacity as the representative of my Government, administering Laws that know no distinction between the Rich & poor the great ~~and~~ ignoble, I could not extend to him any privileges or indulgence which the laws did not guarantee, nor could I debase my representative Character or the Majesty of these laws by such a condescension merely to gratify the vanity of a Spaniard charged with being engaged in a fraud upon the rights and property of individuals living within the limits of my immediate jurisdiction

The misinterpretation of which he complains, will be explained by the evidence submitted to you, to be falsehoods invented and propagated by himself — indeed his protest throughout is a tissue of ribald & corrupt misrepresentation and falsehood — and being sworn to are absolute and premeditated perjuries

of

of which I feel no hesitation in believing you will be thoroughly convinced by a perusal of the evidence already forwarded to you and of that which accompanies this communication.—

In conclusion permit me to request you Sir to call on Mr. Salmon for the Originals of his faithful documents if they appear in the form of affidavits sworn to they are forgeries or John Innerarity has perjured himself as you will see from his deposition which I have forwarded to you and to which on this point I particularly refer you

With Sentiments of Sincere regard
and Esteem — I have the honor to be
your Obt. Hbl. Servt.
Signd. Andrew Jackson
Govr. of the Floridas

Hon. John Quincy Adams
Secty of State Washington

Nashville 6th December 1821.

My Dear Col.—

I had the pleasure to receive your communication of the 5th Novbr. with its several enclosures. I have read and entirely approve your decision and decree on an application to bring up a case by a bill of exceptions to a decision of the County Court. I congratulate you on the justness of that decision and the perspicuity with which it is made.

Public sentiment in relation to the transactions at Pensacola seems to have fallen into the right channel, every thing I am convinced will be well received when well understood.

The tranquillity with which every thing moves on at Pensacola affords me the highest gratification; and I most earnestly hope its continuance

I am very truly
yr. Friend
Signd. Andrew Jackson

Col. George Walton
Secty & acty. Gr. of
West Florida

Nashville, December 12th 1821

My Dear Col.

I have the pleasure to acknowledge the receipt of your letter of 12th ult. with its accompanying papers.

It afford me great pleasure, I assure you, to hear that nothing is likely to interrupt the harmony and tranquillity which prevail in Pensacola and its neighbourhood — may this state of things long continue.

I have been uniform in my correspondence with you since my arrival at Florence — attentively answering your letters, and having communicated frequently without any receipts from you. It is therefore astonishing that you should not have heard from me before the date of your last. There is a shameful neglect some where on the mail rout.

There is nothing important from the City since my last. Remember me to all friends and accept assurances of my respect and esteem.

(Signed) Andrew Jackson

Col. George Walton
Secy of W. Florida
&c &c

Nashville
December 12th 1821

Sir. I have the honor to enclose herewith an account of Capt John R Bell against the U States for extra pay while in the temporary performance of the duties of Secy of E Florida with the powers of the former Governor thereof. This account is very moderate, and being reasonable and just, I have submitted it with a request, that it may be allowed and paid.

I am Sir with great respect
Yr mo obt & Humble Servant
(Signed) Andrew Jackson

The Honble John Quincy Adams
Secretary of State

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Nashville 5th Jany 1822

Sir.

I have the honor to forward you the inclosed documents which have but lately reached me from Mr. Worthington Secretary of East Florida— It is possible that Mr. Worthington may have transmitted duplicates of them direct to your department; but as he has not advised me to that effect, I have thought proper to forward them— My latest advices from the Floridas represent every-thing as progressing harmoniously and satisfactorily, and I have the fullest confidence that both Secretaries will continue to preserve an efficient and successfull operation of the Government confided to their respective charge—

Among the inclosed is a letter from Mr. Worthington to me relative to the insufficiency of his salary to meet the necessary expenses of himself and family. Similar applications have been made to me by Judge Shannon presiding justice of the court of Pensacola, and others in the service of the Government. I am sensible of the necessity that exists to allow to both the Secretaries and to Judge Shannon some additional compensation, and earnestly request your attention to this subject— you will be enabled to form a correct opinion of the justice of their claim, and I have every confidence you will not permit them to be disregarded

I am very Respectfully
Your obt. Servt.
Signd. Andrew Jackson

Hon Jno Q Adams
Secty of State

Nashville January 18th 1822

Sir,

On last evening I received from Mr Adams Secretary of State of the U States, a letter of date the 5th inst, enclosing to me by the directions of the President, translations of two letters received from the Spanish minister relative to the Archives, and their seizure at St Augustine; and requesting me to reply to several points therein contained. — To enable me to do justice to the subject, and treat these insolent, indecorous letters of this insolent, and indecorous minister, as he and they merit: It will be necessary, to have duplicates of Capt Bell's letters to me of the 30th of July and 4th of August; These are on file at Pensacola, but as it will be necessary to have from Capt Bell and you, all communications that have taken place upon this subject with the Spanish Officers, with the evidence that Capt. Bell had of their selling and taking away the archives, as stated to me in his letters of the 30th of July and the 4th of August; and complete copies of all correspondence between Capt Bell and the Spanish Officers, and between you and the Spanish Officers; with a report of the whole proceedings thereon — If you have not furnished Mr Adams with duplicates of all these, I have to request you will make out two — transmit one copy to me, and another to Mr Adams, at as early a day as possible. These furnished, and I will give this insolent and indecorous minister, such an answer as his false statement, and indecorous language merit.

I have been in very bad health for several weeks — I can scarcely now sit up to write this, having a distressing cough with a hemmorage, brought on by a bad cold.

I am Sir, with great respect
yr Mo Obt Servant

Signed, Andrew Jackson

Wm G D Worthington Esqr
Secretary of East Florida
and actg Governor for the same

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Nashville January 22d. 1822

Sir,

I have this moment seen the National Intelligencer of the 2nd of this instant, where it appears, that a call has been made by the House on you for all information relative to the proceedings against Col. Callava, and all information relative to the dispute between Judge Fromentin and myself —. I hope and trust Sir, every communication between Fromentin and me, and every proof accompanying them may may be laid before the House, and every document relating to the case of Col Callava, and all communications thereon: And as I have seen it announced that my resignation has been accepted of, and I am still without any information from you or the Secretary of State, upon this subject, as the mover of this resolution has declared that he has brought it forward with the avowed intention of moving an impeachment against me, I have to request, and do request that my resignation may not be accepted, until after a full and final investigation into my whole conduct as Govr. of the Floridas, and until after I am advised of the result, as justice to myself and country, may make it necessary that I may have it in my power before I resign, to make an application to Congress. I have to request, that, on the receipt of this you will make it known to Congress that my resignation has not been accepted of, and at my request will not be, untill a full investigation into my whole conduct as Govr. of the Floridas has gone through, and every officer of the Floridas —

I have the honor to be Sir
Yr. Mo Obt Servant
Signed, Andrew Jackson

James Monroe
President of the U states

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Hermitage January 21st 1822—

Sir,

On reviewing the correspondence between Col Forbes and the Captain General of Cuba I find a promise on the part of the latter, that; the Governor of East Florida would be ordered to deliver over the archives to the American Authorities, and this duty not having been performed I consider it proper to advise you that in the month of June last Col Coppinger late Governor of East Florida stated to me in a conference had on the subject of the delivery of the archives relating to individual property, that as an individual he believed they should be given over to the United States, but that his orders prevented him from turning them over — I mentioned to him that I had heard a report as a reason for not turning them over, that it would be the interest of the United States to destroy them, and remarked that I regarded not the source from whence it came as it could alone spring from the most wicked and unprincipled heart — As there appears an absence of good faith in the execution of the late Treaty I give you this information for the benefit of the Government

I have the honor to be
Yr Respt
& obt Servant

Majr Genl Andrew Jackson

Signed, Robert Butler
late U.S. Commissioner
in E Florida

Hermitage Near Nashville
22nd January 1822

To the Speaker of the House
of Representatives in Congress
assembled —

Sir,

I have this day accidentally met with the National Intelligencer of the 2nd Inst in which I have seen a resolution brought forward by Mr Whitman. calling for information from the President of the United States, relative to my acts whilst administering the Government of the Floridas, with the avowed object of impeaching me

I am at all times desirous that my public acts should be investigated, and on the present occasion I have —

have sought it; being ever disposed to be judged of by my acts, and having perceived that some apprehension is entertained, that, in as much as I had resigned, I could not be impeached; I have to request of you, that, you make it known to the body over which you preside, that altho' my resignation was forwarded in November, I have received no information of its acceptance, either from the Department of State, or from the President of the United States — I desire it also to be made known that I have this day written to the President, requesting him to withold the acceptance of my resignation, until my conduct as Governor of the Floridas may be fully investigated, if however, unfortunately for me, and contrary to my wish, my resignation should have been accepted by the President, before my letter of this date reaches him, I shall nevertheless plead generally to any impeachment that may be preferred against me — this in such an event I have a right to demand. All I ask is, that I may not be condemned unheard, and without testimony; or upon the evidence of Newspaper squibs issuing from certain papers whose condemnation I have ever esteemed the best eulogium upon virtuous action.

These observations have arisen from the language already used in debate, ~~and~~ which gives rise to suspicion that some, at least, are more disposed to forestal public opinion, than to enter upon fair investigation. When we advert to the high sounding words of Tyranny, oppression, and usurpation of power not delegated to me, and the still more extravagant assertion that I had exercised the powers of a despot; powers more extensive than any which appertain to the Government of Spain, all which information is acknowledged to have been received from Newspaper report, or from a source more corrupt, we cannot but anticipate that men who are so open to prejudice, are prepared to prosecute the investigation with an avidity and blindness, which will reluctantly yield to the clearest demonstration of Justice and innocence. Knowing as I do that no fact does exist to warrant such charges or such language I would ask how far does such declamation and denunciation, unsupported by proof, comport with the dignity of the Representative Character

which —

which is recognized by the constitution as the guardian of innocence
and truth.—

These remarks I have thought were called for upon
the present occasion and are respectfully submitted to you, reser-
-ving for future expression any thing which the course the inves-
-tigation shall take, may suggest.—

I have the honor Sir, to be with sentiments
of high respect and esteem
Y. mo. Ob. Humble Servt.
Signed, Andrew Jackson

P. P. Barbour
Speaker of the H. of R.
In the Congress of the U.S.

Nashville January 22nd 1822

Sir,

Your letter of the 1st Inst. reached me a few days since, in which
you ~~inform~~ advise me, of the receipt of mine of the 22nd of November with its inclosures.
I had also the honor to receive a copy of your Communication, dated 2nd of Novr. to
the Minister of Spain, together with the translation of two letters from said Minister addressed
to the Secretary of State, and transmitted to me by direction of the President of the United
States. You inform me that the definitive answer to these letters will be defered
until you shall have the opportunity of obtaining my replys, with any remarks I
may be disposed to make on the communications of the Minister of Spain—

I sincerely regret that Don Joaquin de Anduaga's letter of the 22nd of Novr. had
not been transmitted at an earlier period, as it will be necessary in my reply
to refer you ~~in my reply~~ to the two communications of Capt. Bell of the 31st of
July and 24th of August last, and to Mr. Worthingtons letters on the subject
of the Archives at St. Augustine; the 1st of which are on file in the Executive
office at Pensacola, and the last I had forwarded to you, when I was infor-
-med by Dr. Bronaugh that my resignation was accepted on the 1st ult., not
expecting to have any further use for them— Immediately on the receipt of
your letter, however, I wrote Mr. Worthington requesting him to forward you certified
copies of his communications as promptly as practicable and have adopted the
same measure in relation to those of Captain Bell, altho I had been advised
that he had transmitted duplicates to you from St. Augustine. To these documents
I must refer you, relying upon my answers thereto and my own recollection for their
contents, and accompanying my reply with such vouchers as are within my reach;
believing that there will be ample testimony in your possession, to enable you to
rebut the slanderous statements, and expose the unblushing falsehoods of this insolent
and indecorous minister of the Spanish Government—

Upon the subject of seizing the papers at St. Augustine, you observe
that the Spanish Minister dwells with much earnestness on the agreement—

which had been made between Col. Butler and the late Governor Coppinger, concerning these papers, and request to be informed whether this agreement was known to me at the time the Order was issued for demanding and seizing them, and if so, to state the particular grounds on which I judged it necessary to resort to compulsory measures for obtaining possession of them,

In answer to this enquiry I have the honor respectfully to state, that Col. Butler the Commissioner appointed to receive the transfer of East Florida from the Spanish Government reached me on the 8th of August last at Pensacola, and made his report - as soon as it was submitted to my examination I was entirely satisfied that neither Coppinger on the one hand nor Butler on the other, had any authority either under the Treaty or their instructions, to enter into such an agreement relative to the Archives, which were by a positive stipulation, between the two Governments to have been delivered over with the Country to the Constituted Authorities of the United States - The Treaty was imperative and vested the parties with no discretion upon the subject, Believing however that the course adopted by Col. Butler, was perhaps the only one that could have been pursued, without the employment of force, to preserve the documents and notwithstanding that I was perfectly satisfied that Coppinger had on his part violated both the Treaty and the Order of the Captain Genl. of Cuba yet I felt disposed to leave the Archives precisely in the same situation in which Colo. Butler placed them under his agreement with Coppinger - I was induced to take this course from a wish to create no unnecessary difficulties, and from a hope that the Spanish Officers would comply with their arrangement, and permit the papers to remain unmolested, until the arrival of the Presidents instructions in regard to their final disposition - From the treachery and duplicity which I had discovered to be practised by the Officers of Spain I frankly confess that my hopes on this occasion were not very strong and flattering -

This insolent Minister states that the commissioners Butler & Coppinger stipulated that the Artillery and Archives were to remain, the 1st in deposit in the possession of the Anglo-American Commissary, and the last where they were and without the possibility of their being taken away to the Havana He does not say what was their situation; but it will be recollected that the Alcade was their keeper, Nor does he tell you that Don Jose Coppinger permitted them to be picked and culled, and taken away in violation of his solemn pledge and agreement, as you will see by a reference being had to Capt Bells letters to me of the 31st of July and 4th of August 1821, duplicates of which I am advised are in your possession

When I received these letters from Captain Bell, who exercised provisionally the powers and authorities of Secretary of East Florida before the arrival of Mr Worthington, I acknowledge that my indignation at Spanish treachery and perfidy was very much aroused. I felt that it was my imperative duty to protect the people of Florida, in the enjoyment of the rights secured to them expressly, under the Treaty. I was bound to act on the occasion. The agreement respecting the Archives altho void ab initio for the want of power, had been outrageously violated by Coppinger - or with his

Connivance -

and the evidence of individual rights, secured to the citizens about to be fraudulently conveyed away after he had pledged himself to Col. Butler, that they should not be removed from that place, and should remain precisely as they were"

The verbal report of Colo Butler, communication in my letter of the 4th of August last affords us a clue to the motives of Col. Coppinger in attempting to practice this base deception. For the last three months previous to the transfer of the country it is believed he had been engaged in issuing surreptitious grants for large quantities of land in East Florida. It became necessary that they should be taken to the Island of Cuba for the purpose of consummating the titles, these were no doubt the documents which were picked and culled from the balance to be transported to the Havanna as Coppinger was convinced that the fraud would be inevitably detected if they should be surrendered to the American Authorities. This explains the reason why and wherefore they were not delivered over to our commissioner in the first instance, and forms the basis of the confidential communication made to Colo Butler on the 3rd of July last "advising him that a large portion of those Archives relating to private property, were packed up for removal to Cuba and which gave rise to his letter to Col. Coppinger of that date — as will appear by the enclosed extracts marked E.

Speaking of the correspondence between Cols Butler and Coppinger Don Joaquin De Anduaga remarks that "By the before mentioned correspondence it appears, that doubts had arisen whether the Artillery and certain archives ought or ought not to be delivered over to the United States" —

"With due deference I would ask, could any doubts exist as to the Archives under the 2nd Article of the Treaty? No. Could any doubts be entertained relative to the Archives embraced in the instructions of his Catholic majesty or the instructions given by the Captain General of Cuba to Don Jose Coppinger Colonel & Commanding the Spanish forces at St Augustine, and who was charged with the delivery of the Country and all documents relating to property and sovereignty of the Country ceded? It is presumed not. In his letter to Col. Forbes of the 15th Jany 1821 the Captain General of Cuba says "Respecting East Florida where there ought to be found all her Archives Governor Mahy would direct that Governor, as entrusted by him with the important commission to make a formal delivery to Mr. Forbes of that province as well as of the documents belonging to it." "A similar dispatch would be addressed to the commandant of West Florida" Here is a positive declaration that such instructions were or should be given to Governor Coppinger for the delivery of all the Archives included in the stipulations of the Treaty.

Contrast this statement of the Captain Genl. of Cuba with the answer of Govr Coppinger to Col. Butler's letter to him dated July 3d 1821 "Confining myself" to a compliance with the Treaty and the Orders of my Government (which he says, he informed Col. Butler verbally prevented him from delivering the Archives) their literal sense is the only guide to my endeavour in the execution, and when any doubts arise, I consult them with that frankness necessary to ascertain my course and warrant my responsibility" From this exposition no one can fail to discover the striking contradiction between the Captain Genl. Mahy and Gov. Coppinger, the former assuring Col. Forbes that he would direct Gov. Coppinger to deliver the documents to the American authorities, and the latter asserting "that as an individual he believed they should be given over," see EE but that the orders of Government prevented him from performing that duty, One or the other has [illegible] a positive falsehood, for which, the Spanish Government, it is conceived [illegible] be required to inflict signal punishment on the aggressor, both as

a violation of his Orders and of the provisions of the Treaty solemnly entered into and ratified by the two Nations, we can find no excuse, either for the Captain General, Governor Coppinger or Col^o Callava, for not complying with the Orders of their Superiors and with good faith carrying into effect the 2nd Article of the Treaty, by delivering and being prepared to deliver over all the Archives and documents appertaining to the property and Sovereignty of the Floridas

Instead of this the Captain General does not deliver them at Cuba, Coppinger contrary to his Orders was preparing to convey them away in a clandestine manner in violation of his agreement and solemn pledges until arrested in his faithless conduct by Colonel Butler; and Callava whilst professing to surrender all the Archives &c, was wickedly & treacherously attempting to carry away the testamentary papers of the heirs of Vidal and other documents which were the evidences of claims to private property ~~within~~ in the ~~Colony~~ ceded to the United States —

The unjustifiable delays and evasions of the Officers of Spain in withholding the archives and documents of which the delivery had been expressly stipulated by Treaty, Vouchers indispensable to the United States for the dispensation of private Justice and the establishment of private right, but entirely useless to Spain, could not but impress upon me the belief that they were intended to subserve ~~the purposes of injustice~~ the purposes of injustice fraud and oppression. The attempt to carry away, a number of these documents from St Augustine and Pensacola in a clandestine manner, was considered as a flagrant violation ~~violation~~ of the Treaty and I began to entertain the opinion that a systematic combination had been formed amongst the Officers of Spain to deprive the honest Citizens of the Country of all the evidences of their right to property secured to them by the provisions of the cession —

Under these impressions and believing myself vested with legal authority to protect the right of the Citizen I was urged by the most imperative duty to exercise it in their behalf; upon the receipt of Capt Bells letters before referred to, advising me that the Archives at St Augustine were packed and ordered to be conveyed away I forthwith wrote him on the 1st of September 1821 the letter herewith inclosed marked C. of which the following is an extract

"I have this moment received your several letters of the 31st July and 4th of August with their inclosures and regret that the shortness of time will not permit me to answer in detail. On the subject of the Archives I will barely draw your attention to the 2nd Article of the Treaty with Spain according to which all archives and documents, directly relating to the property or and Sovereignty of the Country are to be delivered by her, You will therefore forthwith on the receipt of this, if not already in possession of them take them into your possession and place them into the hands of the Alcade for safe keeping, and who ought to be like every other, a sworn Officer, under the Government and not a Spanish Officer owing no allegiance to the United States

All papers and documents in the possession of the Cabildo, and of course in the possession of American and not Spanish ~~Authorities~~ functionaries, are to be retained and none of them permitted to be carried and taken away".

"I am gratified with the friendly expressions of the Cabildo of St Augustine but am sorry to find they have so entirely mistaken the sense of ~~my~~ the proclamation Nothing ~~can~~ be more absurd than that Spanish Officers as such should administer the Government. The true meaning is that whenever the incumbent will take the oath to support the Constitution of the United States, and abjure that of Spain and take the oaths of office he shall be continued therein, The part of the proclamation which enjoins fidelity to the Government of United States would otherwise be non-sense and the Governor has at all times, the power to remove or dismiss him

... supply his place. But this will not be done unless it be found that he is incompetent to his trust, or unfaithful, and whenever either is the case, this power, for the benefit of the people, ought to be exercised"

Having previously address^d^ Captain Bell a letter on the 13th of August last a copy of which is enclosed marked D, and forwarded it to him by Mr. Bird attorney for the United States in East Florida I was gratifyed to find from his answer that before the receipt of either of my communications, himself and Mr. Worthington had taken the steps necessary to preserve the Archives and extend to the people of East Florida that protection which was secured and guaranteed to them under the Treaty. This will fully appear by refference to the communications of Mr. Worthington all of which I have heretofore transmitted to you

When it is recollected that the archives and documents relating to the property and sovereignty of the Floridas, were to be transfered with the country, agreeably to the stipulations of the Treaty, and that Govr Coppinger had been ordered to deliver those in East Florida, what indignation must fill every honest and honorable breast when we learn from the sitter of these keeper of these papers at St Augustine, that he claims them as private property which he had acquired by purchase, From whom could this purchase have been made? From the King? No, because he had stipulated to surrender them with the Country to the American authorities, If bought at all it must have been effected with the Executive magistrate of the Province, in either event it must have originated in the grossest corruption and was rendered null and void by the Treaty between Spain and the United States. Such however is the reason assigned why this subaltern Spanish officer disobeys his King and his superiors with an insolent Spanish Minister to justify him in his villainy, and at the same time, charging your Agent who has in every particular executed the Treaty in good faith, with atrocious crimes committed against the honor of his King and Nation—

Although Don Joaquin de Anduaga has taken occasion to heap upon me the most illiberal and indecorous epithets, he is chalanged to substantiate a single instance in which myself or those acting under me have not scrupulously executed every article of the Treaty with Spain, There is no foundation then upon which to rest, the criminal charges of made by this rude and insolent minister, save in his own brain, in the falsehoods stated by Col^o^ Jose Coppinger in his rediculous appeal to the American people, and in his protest to which it seems he testifyes with his oath

It appears that the Minister of Spain considers his sovereign as having been insulted in the most scandalous manner, in the person of his commissary Col^o^ Coppinger. At the time the seizure of the papers was effected he insists that Col^o^ Coppinger was entitled to all the privileges and immunities of a public officer of Spain, in consequence of his being recognized as such in doing and transacting business with Captain Bell. The fact was that Captain Bell was not vested with any diplomatic ~~or~~ commissarial powers and any such recognition on his part was as ineffectual as it was without authority. This ~~pro~~ position is so truly rediculous as scarcely to deserve a comment. By turning to the act of cession executed by Col^o^ Butler and Jose Coppinger, it will be distinctly seen that neither of those persons retained any powers as commissioners after the date of that instrument. If this was the case it must be equally evident, that neither Captain Bell nor Mr. Worthington could have possess such powers at the period to which the Spanish Minister has alluded. Colonel Jose Coppinger being the Commander in Chief and Govr Ex officio over East Florida he was charged under the Treaty with the delivery of the country and the withdrawal

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of the Spanish troops. The moment these duties were performed both his and Col Butler's power as Commissioners ceased. This event took place on the 10th of July 1821. when the Spanish authorities ceased the exercise of their functions as is demonstrated by the following extract from the act of Cession –

"There has been verified at 4 O'clock on the evening of this day the complete and personal delivery of the Fortifications and all else of this aforesaid province, to the commissioner officers and troops of the United States, and in consequence thereof; having embarked for the Havanna the Military and Civil officers and Spanish Troops in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions and those appointed by the American Government having begun theirs" &c –

The surrender of the Province had been completed and the occasion which created commissioners ceased to exist. The authority and troops of Spain were withdrawn and the United States in entire and rightful possession of the country. The six months had also transpired within which the Treaty provided the transfer of Sovereignty should be made as well as the evacuation of all the Spanish officers within the Floridas – Colonel Coppinger remaining after the occurrence of these events could no longer be considered as entitled to the privileges and immunities of a public agent, "he could ~~could~~ only be viewed as a stranger permitted to reside in the Floridas "amenable to the common judicial tribunals "but who conformably to the Spanish Laws, existing before the cession of the province "would have been liable to removal from it, or to imprisonment at the discre "tion of the Governor, ~~at the direction of the Governor~~ for the mere act of being "there" –

These disclosures ~~I am in~~ hope will exempt me from the criminal charge which Don Joaquin de Anduaga has preferred against me of having trampled upon the Law of Nations, and the law of every civilized country – If the detection of treachery, and prevention of fraud, the security of the rights of the citizens and a scrupulous adherence to the articles of the Treaty which both Governments were sacredly bound ~~were sacredly bound~~ to fulfill, are to be considered atrocities, I have to observe that I glory in the charge, and give this further assurance that it is the course which I shall always pursue. I would enquire of this minister whether the law of Nations protects the agents of Spain in the open violation of the Treaty, the rights of individuals and the orders of their Government? does this law sanction the non compliance with the most solemn engagements by which the rights of individuals are to be sacrificed, by depriving them of those evidences of their property, stipulated to be delivered over with the country ceded? If so then is every treaty a perfect mockery, and the law of Nations becomes the authority for every species of fraud and corruption – Coppinger and Callava might not only have furtively carried away all the archives of the country, but also the Negroes or moveable property and their agency would have secured them from merited punishment! Doctrines leading to such absurd and dangerous results deserve the contempt and indignation of every honest and intelligent individual in the Nation, –

To the remark of the Spanish minister "that the more my conduct is considered the more evident it ... that my sole object, by it has been to insult

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Spain" I have to observe in reply that it is as insolent as it is unjust. I again challenge Don Joaquin de Anduaga to establish the fact necessary to authorize such a conclusion! If I know myself I can declare with the utmost confidence that I have never entertained any thing like national antipathies, and my con-duct on no occasion ~~have~~ ~~have~~ has I ever been influenced by such base an unmanly considerations, All the measures of my administration whilst Governor of the Floridas were founded upon the principles of justice, the object of which was to secure to the United States, and to the people who were citizens of the ceded provinces those rights which were guaranteed to them under the ~~treaty~~ cession and which the faithless Officers of Spain had wantonly violated in contravention of the treaty, the positive orders of their Superiors and their own solemn pledges and engagements!! Such corrupt agents as those who wore the insignia of Office as well as the badge of dignity and honor excited my disgust and abhorrence; and the Minister of Spain would do well to purge ~~his own~~ the Officers of his own Government before he is permitted to allege criminal charges against those of the United States - The virtuous and honorable Spaniard claims the same share of my respect and confidence as the citizens belonging to any other nation, I rejoice in the regeneration of Old Spain and in the independence of her American Colonies; and hope that both may free themselves from the misrule and oppression with which they have been cursed for centuries past under former Governments -

The indecorous language used throughout the letter of the Minister of Spain and the foul charges therein contained in relation to myself cannot but be viewed as the grossest insult to my Government, to the American people, and to the Officer whom he has endeavoured to cover with odium and disgrace. It is derogatory to that comity and decorum which should always characterize diplomatic communications, and are essential to the harmony and friendly intercourse of Nations. In reply I confidently trust that the President of the United States will take such a stand as shall secure the respect due from foreign Ministers to his exalted Station, to the Officers of the Government, and to the nation over which he presides -

It is a subject of remark that I have been the object of Spanish calumny an virulent animadversion ever since the transactions of the Seminole war. This spirit of hostility is to be discovered in the observations of Governor Mahy to Colo. Forbes, in the letter of the latter to the Secretary of State of the 28th of May 1821, in the protests of Colonels Coppinger and Callava and has pervaded all the diplomatic communications of the Spanish Ministers, subsequent to the period to which I have alluded - Although such a course is insulting to myself to the Executive and the American people, I have never deemd it of sufficient importance to induce me to complain - Feeling a confidence in having always discharged my duty whilst in the service of my Country I disre-garded the abuse and vituperation of Spanish agents, from a belief that my Government would vindicate its honor and dignity. this I flatter myself will yet be accomplished in due time - A considerable portion of my life has been devoted to the happiness honor and glory of my Country and where my conduct has met the approbation of the Government I have a right to expect that it will resist any attempt to slander my reputation

Notwithstanding I solicit the most ~~full~~ free and unrestrained investigation into all the measures of my public life by those to whom I am responsible, it is conceived that the same latitude should not be granted to the ministry of foreign powers, such an interference is rude and indecorous & should be resented on all proper occasions, this it is believed is not due to me alone but to the President and the Nation —

I am Sir with sentiments of very great respect
your mo. obt and very Hble servt

(Signed) Andrew Jackson

Hon.
John Quincy Adams —
Secty of State —
City of Washington —

Hermitage near Nashville
Jany 29th 1822

Dr Sir,

Your letter of date the 31st of December last (Post-marked the 9th of this present month at the City of Washington) acknowledging the receipt of my resignation, as Governor of the Floridas, forwarded by Doctr Bronough, has reached and advises me, that the same has been accepted by you.

To be freed from the toil and labour of a Public Office, is what I have long desired, and what indeed, the state of my health and other causes rendered necessary: but as it appears that there is none of my Public life but what must be traversed by Congress, and having long since requested Mr Adams to lay before you the correspondence with Judge Fromentin, from a wish that it might have been submitted to Congress if thought necessary; I did confidently hope, that before the acceptance of my resignation, this correspondence would have been produced, and that with the investigation of all and every part of my conduct, my enemies might have had no grounds to charge with resigning through fear of impeachment, as Mr Whitman and some other members have illiberally and untruly insinuated on the floor of Congress on the 2d inst, when supporting his resolution for a call for these papers: I therefore sincerely regret that these papers were not laid before Congress agreeably to my

to my request, and before the call was made by Mr Whitman.

The moment I saw the Intelligencer of the 2d inst, I wrote you to suspend the acceptance of my resignation, until this investigation was complete—not having at that time any intimation of either its acceptance or receipt transposed from you or the Secretary of State, and fully believing, that if you found Congress had a wish to investigate my conduct, you would have witheld its acceptance under circumstances which were disagreeable to me, and at least, until there was opportunity of meeting the attempts which are made to stamp my conduct with unworthiness and dishonor. —I addressed a note also to the Speaker of the House of Representatives, stating these facts to him, and requesting him to communicate them to that Body, with assurance on my part, that I was ready and willing to meet and plead generally to any charges which might be brought against me.— My wishes and hopes not having been realized, but the acceptance of my resignation having been forwarded by you, seven days after Mr Whitmans resolution calling for the papers had been passed, leaves but one course for me to pursue, and that is, such course as I may deem, justice to myself, and the American nation, may require under all circumstances.

I have to repeat the request made to the Secretary of State, that my accounts be closed by the Department, information given to what time my Postage and Stationary accounts ought to be made up to, and to whom the ballance of funds in my hands are to be turned over, and what directions hereafter are to be given to the Public letters addressed to me from the Floridas.

I make you a tender of my thanks for the flattering manner of approbation, which you have been pleased to express of all my public acts and services; and the friendly expressions of solicitude for my individual health and happiness, I sincerely reciprocate.

I am Dr Sir, &c. Yr obt Servant

_Signd, Andrew Jackson

James Monroe
Presdt Untd States

Hermitage near Nashville
Janry 31st 1822 -

Dr Sir

Inclosed I send you an extract of a letter from Colo George Walton Secy of west Florida, and charged with ~~the~~ exercising the powers of Governor of the same in my absence, with its enclosure — Having recd from the President of the united states, his letter bearing date the 31st of Decbr last, postmarked at the city of washington the 9th instant notifying me that my resignation was accepted, forecloses me from giving to Colo Walton any instructions officially and have thought proper to refer him to the President of the united states for directions as to the proper course to be pursued with regard to those Spanish officers. — Colo Caulon is father in law to John Innerarity — Guilemard is a very base and treacherous man, being the same who piloted the British troops up the Byou Beavenue in the year 1815 (then an officer of Spain) when the attempt was made upon New orleans by Genl Packenham —

I also inclose herewith (marked no 2) for the information of the President of the united states the certificate of Mr Henry Wilson a ~~respectable citizen~~ man of respectability that goes to shew the fraudulent practices committed, and committing by the officers of Spain with regard to land titles in the Floridas, and forcibly adds to the propriety of adopting the rule I have heretofore recommended, of appointing none to the office of commissioner for the adjudication of land titles in the Floridas but those of honesty, integrity and entirely disinterested — should this rule not be adopted, great frauds will be imposed upon the united states.

My resignation having been accepted, I am very anxious to have my accounts closed in your Department, with instructions to pay over the public funds remaining in my hands, and instructed to what date my account for stationary and post office account should be made up to; and what directions I am to give to the communications I may receive from the Floridas, from Colo Walton and Mr Worthington. — The public funds in my hands are mostly in Neworleans Bank in deposit - the ballance in the Branch Bank of the State of Tennessee at Nashville - in New orleans notes a special deposit; all of which are available to the Government, and which I am anxious to receive instructions to pay over. —

Before I close this letter permit me sir through you to say to the President of the united States that Colo Waltons conduct as Secy of west Florida and exercising the powers of Governor of the same in my absence, has met & received my approbation and having removed his family there at great expense, relying on a continuance of that office and filling the same — would -

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would be a great injury to him, should he be disappointed in continuing in that office — I have only to remark that the expence of moving ~~there~~ his family there has been heavy, and his pecuniary means very much straitened, I have therefore to add my solicitations that he be continued —

with sentiments of great respect and personal regard

I am your, mo, ob, servt.

Andrew Jackson

The Honble
J. Q. Adams
Sec of State of the U States

John Sommerville's certificate

Branch Bank of the State of Tennessee at Nashville
15th Febry — 1822

Genl Andrew Jackson has this day deposited in this Bank to the credit of the Office of Discount and deposit of the Bank of the United States at New Orleans — Six Hundred and Sixty two dollars and thirty seven cents, which will be paid in silver to the check of the Cashier of said Office of Discount & Deposit on demand for account of Thomas T. Tucker Esqr Treasurer of the United States — Signed Triplicates

Dollars 662 37/100 (Signed), Jno Sommerville, Cash.

I certify that on this day the 15th of Febry 1822, was placed by me in the Post office at Nashville a Package addressed to the Cashier of the Office of Discount & Deposit of the Branch Bank of the United States at New Orleans, containing one P ~~duplicate~~ letter from Genl Andrew Jackson to said Cashier, which letter contained a copy of E Salomon's *letter of advice to Genl J of his credit on Bogart and McLanahan for $5000, and also E Salomon's letter * dated 3d Septr — 1821

P. order of transfer

of 1st August 1821, and also the preceding certificate of John Summerville — there was also placed in the Post Office at Nashville by me a Package addressed to the Honble John Quincy Adams Secretary of State of the U.S., in which there was enclosed to Fontaine Maury Esqr agent of Dis-bursements for State Department a letter from Genl Jackson advising him that he had transferred to the credit of the Treasury Dept the sum of ~~$5000, six hundred~~ $5662.37 — which closed the Genls accounts with the State Dept according to the statement of Mr Maury, with the exception of the sum of $72.95 which the General retained to meet his payments for the same sum of Postage and Stationary accts, and duplicate receipts of which accts numbered 1 & 2, were enclosed and forwarded by me in the above letter to Mr Maury — Under the same enclosure to Mr Maury was also forwarded the foregoing certificate of Mr Sommer-ville and a duplicate of Genl Jackson's order of transfer of the sum of $5662.37 — there was also a letter from Genl Jackson to Mr Adams, in which he was notified of the above disposition of money, and was referred to the above receipts No. 1 & 2 — All of which letters from Genl Jackson were dated the 14th of February 1822 Nashville

Andw J Donelson

March 15th Recd from the Cashier of B. Bank of U States at Orleans his letter enclosing Triplicate certificates of having passed from my credit in said Bank to that of the Treasurer, Thomas T. Tucker the sum of $5000, but the $662.37 cts Specie deposited in U. S. Bank at Nashville he had not passed to the credit of the U States Treasurer for the reasons therein set forth — on the 16 of March wrote Mr Fontaine Maury agent for Dept of State U States — informing him of the above facts — enclosing him a triplicate certificate of Mr West cashier, & an extract of his letter advising that I had taken measures to have the Specie transported to Orleans and deposited as directed by the Sec of State — A. Jackson

March 19th 1822. wrote Mr Adams Sec of State acknowledg-
:ing the receipt of his letter of the 22d ult. with its enclosures &
having duly noted the contents — also by due course of mail
having recd Mr Mannings letter & adjustment of my accounts, &
advising that I had wrote Mr Manning on the 15th of March in
answer thereto to which I refer — that I have recd the documents
forwarded with his letter, being the documents transmitted
by the President with his message to the house of representatives
upon Mr Whitemans Resolution — for which I make to
him a tender of my thanks — refer him to my letter to Mr
Manning of the 16th instant, advising that a transfer of the
deposit of $35000 in the U States Branch Bank orleans (to my
credit) has been made to the credit of the Treasurer of the
U States & a certificate in triplicate has been forwarded
but the deposit in the Nashville Bank of Sheriff to the
credit of the U States Branch bank orleans to ant
to close my account, has not been transferred to
the credit, of the Treasurer U States, for the reasons stated
but measures has been adopted to have the Sheriff —
transferred, to that Bank to the credit of the Treasurer
U.S. &c &c — a tender of my thanks & gratitude is expressed
for the promise to furnish me with the final
answer of Mr Adams to Spanish minister when
made — on the affairs of Florida — conclude with sincere
esteem & high respect — Andrew Jackson —

To James Monroe President of the U States —

Hermitage March 19th 1822 —

Sir

I received a few days ago, the documents that accom=
=panied your communication to Congress on the 28th of January
last, agreeably to Mr Whitemans Resolution of the 2d of the same
month, which were transmitted to me by Mr Adams. —
after a full and dispassionate examination of those do=
=cuments, and particularly those from the pen of Judge
Fromentine, being the first opportunity I have had of seeing
them, I cannot withold an expression of my surprise at the
manner in which you introduced that subject to Congress
in your message at the commencement of the session. —
I would not be exercising that candor towards you —
which a long and stedfast friendship, on my part, dic=
=tates, were I to withold from you the state of my feelings
on comparing those documents with that part of
your message which relates to this particular transaction.
I had a right to believe, and did believe, before I
saw those singular productions of Judge Fromentine,
that you were in possession of testimony of a very differ=
=ent discription, which had induced you to express
yourself in the way you did, when you supposed
that both of us had been actuated by equally "pure motives".
From our long acquaintance, and the friendship that
has allways existed between us, I had supposed that you
were sensible that I would not make any statements
— that —

—that— were not founded in fact: but if any doubts had existed in your mind, from an apprehension that my commun=ications had been written while under the influence of great excitement, I should have supposed the evidence by which those statements were substantiated, would have satisfied you, as to their correctness.— If on this subject, it was thought to be necessary to express an opinion in your Message, justice to all concerned required that it should have conformed to the facts which had been established.— Here I must be permitted to say, that from the base falshoods, slanders, and distorted facts contained in those communications of Judge Fromentines— his continued attempt to exercise other powers than those delegated to him, as defined by you and explained by me— his abandoning the character of Judge and taking upon himself that of a lawyer, and his reiterated charges that I had assumed powers not delegated to me by you— and this too after you had de=fined his jurisdiction, and your approbation had been given to my official acts— he must have been actuated by other motives, than what he conceived, an honest desire of discharging the legitimate functions of his office,— this most manifestly appears, when the proof is adverted to, of his acknowledgement, "that he (after seeing my powers and in=structions) had no jurisdiction except such as grew out of the two acts of congress extended over the Floridas, and that he might as well return to New Orleans".— I am free to declare to you, that I think much injury has been done to me in that part of your Message alluded to; and when it was written, justice, as well as friendship to me, required, that the facts upon which your opinion was founded should have been stated, and the documents have accompanied the Message; or if this course was not deemed proper, the expression of an opinion, as to mine, and Judge Fromentines motives, should have been withheld altogether, from Congress and the nation. I feel satisfied in my own mind, that the manner in which your communication to congress was written, made an impression, in part, on the public mind, unfavourable to me, and such as was not authorised by the facts in the case; I doubt not however, that the publication of those documents, now, will remove in a great degree, those impressions

The manner however in which this transaction was presented to the nation, has furnished, and still will furnish, my enemies, and those who are determined not to be satisfied, with a pretext to abuse me.—

I have adopted as a rule, through life, never to abandon my friend, unless he first abandons me; and never to believe that my friend acts unjustly, towards me, or intends to do me an injury, untill an opportunity is afforded for explanation.— It is in this spirit, that this

—letter—

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letter — is written; and with a view also of affording an opportunity for explanation, should it comport with your wishes to give it. In the mean time my friendly course towards you will, as heretofore, be continued untill I hear from you on this subject, or ample time be afforded for that purpose. as an evidence of my still entertaining the same friendship for you, as I allways did, I herewith enclose a copy of anonimous letter rec'd on the 6th. of January last. It had been sent to Pensacola, and from thence to Nashville where I rec'd. it, at the time before stated. I have forwarded it, to you, that you may Judge for yourself, of the views, and motives of the writer; the circumstance of my enclosing it to you is sufficient proof that I have no confidence in the statement it contains. I never could suspect you, whom I have allways considered one of the most sincere, candid, Just and impartial men, guilty of such duplicity and hypocrisy. Could I for one moment entertain such an opinion, I should deem you unworthy of the high and dignified station you fill. That you might be enabled to Judge whether your enemies are within the range of your Cabinett, or else where; and that you might be advised of the conduct and motives of some of them, friendship has dictated to me the propriety of sending you a copy of this anonimous letter; and particularly under existing circumstances. Justice to Mr Adams and Mr Calhoun requires that I should explicitly state, that, no suspicion aught to attach to either of them, of having written, or of having any knowledge or agency in writing it. — Their acts so far as I have any knowledge of them, will not authorise the belief that they could be capable of such duplicity and treachery to any one. In their official acts with me they have at all times, & on all occasions manifested a manly, energetic, dignified, and honourable course — in all respects worthy of great and enlightened Statesmen, a[nd] themselves — worthy of the confidence reposed in them. — If in this letter, I shall have used any expressions, that may be calculated to wound your feelings, I hope you will do me the Justice to believe they were not intended.

I have allways since our first acquaintance — commenced, been in the practice of speaking to you in the language of freedom, and sincerity, and hope that I may be permitted to continue in that practice, so long as our friendship shall exist. I will not then disguise the fact, that my feelings have been excited on this occasion. Both my Judgement and my conscience, after a deliberate review of my whole proceedings in Florida approve my acts, while Governor of that Territory — and all I ask is, that that Justice may be meeted to me which I am entitled to, and facts warrant. with sentiments of esteem

I am sir yr obdt servt.

James Monroe
President of the U States — (Signed) Andrew Jackson

The following is a copy of the anonymous letter inclosed in the fore=
=going letter to James Monroe President of the U. States—

Augusta Geo. Oct 29th 1821—

It is the curse of our nature that the noble minded frank, and confiding man should be continually the victim of the de=signing artful and unprincipled: such in common with other great men has been the fate of Andrew Jackson—

The individual who write you this has motives of no ordinary character to influence him, some are public and some are private; all of them are of elevated character worthy not only of the writer but of him to whom he addresses himself. My situation during the last winter permitted me to see a part and to hear more of the doings at Washington city in which you were deeply interested. I have long known the President of the U. States, and understood his character— of the latter few have ever formed a just estimate— from nature a dull and stupid man, his mind is incapable of any activity unless where his own immediate interest is in question— cold & selfish, he is governed by no motive, influ=enced by no obligation save the motive of personal ad=vantage, and the obligation to take care of himself— besides this he is a man of unbounded pride; with an exterior of plainness and republican simplicity, he is under the dominion of a pride so inordinate, that nothing short of universal homage can satisfy; and the slightest deduction from which is never forgiven: upon this pride you inflicted a wound, which however innocently done will never be forgiven— you did so when you consented to attend him in his Journey through part of his southern & western Tour— In that Journey Mr President intended to play the great man, but the people, stupid as they are said to be by those who calumniate them; very readily distinguished between true greatness, and mere official rank, and Genl Jackson therefore attracted all eyes and secured all respect & affection instead of Mr Monroe doing so— This preference by the people for you was felt— deeply felt and is not to be forgotten — hence the intrigue to get you from the army, hence the sub=missiveness to a dictation from Genl Brown, Genl Scott & Mr Crawford— hence that all your measures are traversed, your recommendations neglected: and odium attempted to be excited against you. The President to revenge himself on you for your popularity, has united himself with the bitterest of your enemies, and if you are not crushed it must be because you are strongest. When you were appointed Governor of Florida, they told your friends it was to compliment you— amongst themselves they said it was to get rid of you— at the head of the army you were still formidable— and in a contest for that station, they felt that their favourite Brown must give way; besides said they as a Govr of a Territory— a mere colonial prefect without voice or influence in the Government of the union he will soon be forgotten: or in that unsettled

—country—

unchecked — he may do some act of violence or irregularity for which
we can put him down; they hope that time has now arrived
and the war dogs are whetting their fangs, and ready to spring
upon their victim when the Halloo is given.

At Washington Crawford is against you —
Crawford rules the Cabinet, Mr Monroe secretly abets him,
and the Virginia influence of Crawford, Scott Monroe &c
is all steadily marshalled in opposition to you.— Secretary
Adams is a poor timid yankee, who can make no headway
against a man of Crawfords energy even if he would attempt
it — but the cool and calculating cunning of a northern climate,
is dominant in his character, and he looks only to himself
and will be sacrificed — he has too little force of character
and too little address to cope with such adversaries as are now
arrayed against him, so Crawford is the next President unless
some other man than Adams is taken up. You must go
back to Tennessee, and rouse the western country, Troup
must not succeed here — if he does Crawford has Georgia —
S. Carolina will follow her in such an event and Crawford
may succeed.

I shall write you again as I find it ~~[illegible]~~
advisable to do so — I could now say more, but you may
have other correspondents who will supply my deficiency —
In due season you shall know me: it is not for want of
confidence in you that I withhold my name; but because
the letter may miscarry, and injury be done me not only
at Washington thereby, but my means of serving you lessened
by cutting me off from information which I might
obtain for your benefit.

We have stood side by side in politics,
and in arms, and when you know me as you
shall do hereafter, you will recognise in me an
old and tried Friend.

Hermitage near Nashville
March 25th 1822

Sir

Your letter of the 5th instant reached me by yester-
-days mail, and agreeable to your request, I herewith in-
-close to you my receipt bearing date the 10th of March
1822 for seventy two dollars, and ninety five cents, being the
amount of expence incurred, for postage and stationary —
since my departure from West Florida as pr account
rendered marked No 1 & 2 and transmitted to you
under cover of my letter of the 13th ultimo.

I am Sir very respectfully
yr mo ob servt,

Andrew Jackson

Fontaine Maury Esqr
Agent Dept of State

May 19th wrote Mr Fontaine Maury agent for the State Dept. advising him of the tender of deposit to the cashier, of the B. B. of the U States at Orleans, by Mr Wood of the sum of $662.37/100 in specie, which was refused to be recd by Mr West cashr — but offered to sell a check at half pr cent on the U. S. Bank Philadel=phia, advising Mr Maury that I had wrote to Mr Adams that Mr J. S. Cashier of the B. Bank State of T. Nashville had forwarded the check to the Treasurer of the U States — with a request to pass it to my credit, requesting Mr Adams that he would direct it to be placed to my credit with his department & have ~~my~~ acct closed — inclosed Mr Maury the Cashiers certificate [in duplicate] of the B. Bank of the U States at Orleans, certifying that on the 16th of ~~March~~ [February 1823] he had deposited on my account to the credit of the T. of the U States the sum of $5000 and requesting him to have the check in favour of the T. U. S. heretofore forwarded by J. S. Cashier of Bank at Nashville for $662.37 carried to my credit, my acct closed and trans=mit me information thereof — A. J.

(Translation) Don José Callava to Genl. Jackson, dated Pensacola, 4th May 1821.

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Most excellent Sir,

I received yesterday morning Y. E.'s communication dated at Montpelier, the 30th April last, informing me that Dr. J. C. Bronaugh Surgn. General of the Divn. of the South, and Judge Brackenridge, one of your private secretaries, were the bearers of a communication to me, on the subject of the Treaty between the U. S. and H. C. M., and notifying me of the documents investing you with authority to receive possession of the Floridas. From it I learn that the aforesaid gentlemen came empowered by Y. E. to receive any reply which I might be pleased to make them, relatively to the necessary dispositions for the transportation of H. C. M.'s Troops, or on such other points as I might consider essential ~~preparatory to the previous to delivering up~~ as being preparatory to the delivery of the Floridas agreeably to the stipulations of the Treaty.

The above-named gentlemen, having solicited an interview with me, delivered to me thereat from Y. E. another letter of the same date with the former, the purport of which is, "that you have been duly commissioned by the Prest. of the U. S. to receive possession of the Floridas, agreeably to the stipulations in the late Treaty between the U. S. and H. C. M. That you have also to add that Coll. Js. Forbes has sailed from New-York for the Havanna, charged with the Royal Order to the Capt. Genl. for the evacuation of the countries ceded by said Treaty to the U. S. and that he will have to communicate with Y. E. on his arrival at this place, an event in daily expectation. That with a desire to avoid all unnecessary delay, and to have in readiness for the arrival of Col. Forbes from Cuba, the necessary transportation for H. C. M.'s Officers, civil and military, and Troops, conformably to the stipulations of the Treaty, as also for their supplies (according to the liberal construction applied to the Treaty by the President), you have to request that I will inform you of the number of Officers and Troops to be transported from Pensacola and St. Marks, as well as of the number of days allowed for the passage from Pensacola to the Havanna. That as the Transports and Supplies are to be procured from New-Orleans, I would be good enough to acquaint you what space of time will be requisite on my part after the receipt of the Capt. Genl.'s order, to make the necessary preparations for the embarkation. That Y. E. requests this information with a view to the requisite arrangements for carrying the transportation into effect, the moment I am ready. That it is also important for facilitating the dispositions for the transportation of the necessary provisions to Pensacola and St. Marks, which are to be deposited at those places for the troops that are to occupy the Floridas. That Your Excellency having been informed of the assurances of H. C. M.'s Minister ~~Plenipotentiary~~ at Washington, that no unnecessary delay should take place in the delivery of the Floridas, you have ordered that the provisions for the U. S. troops be sent to Pensacola and St. Augustine and that it is believed they will arrive at those points by the 15th of next month

That the situation of your troops in the interior, and the difficulty of maintaining them there, render that step necessary, and that orders have been dispatched that no more provisions be sent to the places at present occupied by the Troops. That their removal must therefore be expedited as much as possible; that you have not the slightest disposition, unless impelled by necessity, to move them into any Garrison occupied by the Troops of H. C. M. until evacuated; that you are extremely desirous that nothing should occur to interrupt that harmony and good understanding, which at the present moment so happily reigns between our respective governments, and the Citizens & subjects thereof. That with a Desire also of maintaining the most perfect harmony and good understanding between us, in the course of our correspondence, you have charged the bearers of this correspondence, Dr Bronaugh, Surgeon General of the Division of the South, and a friend of yours, and one of your private Secretaries, Judge Brackenridge, to express to me your sincere desire to carry into effect the stipulations of the Treaty and the delivery of the Floridas, in the best faith and friendship towards the officers of H. C. M., as also the promptitude with which all the stipulations by the Govt. of the United States, contained in the treaty, shall be carried into execution according to the most liberal construction of that instrument.

In reply, I beg leave to state to Y. E. that for the present I cannot enter on the particulars in question, not having yet received from His Excellency the Captn. Genl. of the Island of Cuba, who is my immediate superior in office, the orders relative to the Treaty and the delivery of this Province, to guide my operations in case the authority for the delivery should devolve on me.

Messrs. Bronaugh and Brackenridge have requested me to give Y. E. notice of the arrival, when that occurs, of the United States' Sloop of War Hornet at this port, which I have with much pleasure promised to do.

I have the honour to express to Y. E. the satisfaction which your sentiments give me, as well as to offer Y. E. my most willing and effective services, with tokens of my most distinguished consideration.

God preserve Y. E. many years.

(signed) José Callava.
Tempy. Col. Commandt. of W. Flo

H. E. Genl. Andrew Jackson, M. Genl. U. S. Army,
Comndg. Division of the South,
& Commissioner for receiving the Floridas.

(Translation) Don José Callava to Genl. Jackson, dated Pensacola, 16 May 1821

Most Excellent Sir,

I received yesterday morning with much satisfaction by the hands of Captain Richard K. Call, Y. E.'s Aid, your communication of the 15th, in reply to mine of the 4th instant.

I am persuaded that I stated to Judge Brackenridge, in the interview with me, and on the delivery of your first communication, that Y. E. would find no obstacle to the depositing at this place the supplies to which you refer, and on this occasion I have given the same assurance to Capt. Call.

The suggestion of Y. E. respecting the transportation of the Spanish Garrison of St Marks to this place, in order that, united with the rest, they may sail together under the convoy of the Hornet, is as worthy of Y. E.'s prudence, as it is necessary and proper; and I shall contribute to it with pleasure (as soon as the expected orders shall arrive from the Capt. Genl.) as far as may be in my power, and with the activity and energy necessary to prevent the inconveniences which may be occasioned by delay. I regret that at present this is not within the compass of my authority, those orders not having yet arrived.

I hope Y. E. will do me the honour to be fully persuaded that I heartily concur with you in wishing that every thing between us may be conducted with

utmost harmony and friendship, as also of the satisfaction which your sentiments have given to the Officers and troops under my charge, as well as to myself.

As soon as I shall be empowered to enter on the subject of the evacuation of this Province, I will transmit to Y. E., with the utmost exactness, the information requested of me, and whatever else may contribute to the more satisfactory accomplishment of the business.

Captain Call shall receive from me all the respect and attention due to him, as well on account of his individual worth, as of the pleasure I shall take in honouring Y. E.'s recommendation.

God preserve Y. E. many years.

(signed) José Callava.
Col. Commt. of W. Florida &c.

H. E. Genl. Andw. Jackson,
Commt.

(Translation) Don José Callava to Genl. Jackson, dated 10th June, 1821.

Most Excellent Sir,

Yesterday evening anchored in this Port the United States Sloop of War Hornet, of which I should have advised Y. E. the very hour of its arrival, had it not been for the assurance made me by Capt. Call that he would do so himself.

By the aforesaid vessel I have received the orders of the Capt. Genl. of Cuba, authorizing me to enter into the necessary arrangements for the evacuation of this Province, its delivery, and the transportation of its garrison, and whatever else conduces or relates to the fulfilment of the stipulations in the Treaty of Amity, Settlement of differences and limits, between H. C. M. and the President of the U. S. concluded at Washington the 22nd day of February, 1819, and ratified on the corresponding days of 1821.

In pursuance of my intimation to Y. E. in my letter of 16th May last, I send you a Statement, marked No 1. of the force composing the Garrison of Fort St Marks of Apalache which is to be transported here, in order that, united with the Garrison of this place, it may pass to the Havanna, in convoy of the Hornet; — No 2 is a statement comprehending the whole number of individuals to be transported from this place, including said Garrison of Apalache; to the number of military officers with their wives, children, and servants, I have deemed it adviseable to subjoin that of the other persons in public employ, their wives, children, and servants, and others of whom you will be informed. No 3. intimates to Y. E. my inability to give a decisive answer to your request of information as to the number of days required for the voyage from Pensacola to the Havanna; my remarks therein may however be found useful in pointing out the most prudent course as regards this matter. The specification which it contains of the mode employed in equipping the Troops for transportation, has no other object but the one signified. Nothing now remains but to express to you that I am ready, and that it will afford me the greatest pleasure to satisfy to the utmost extent of my power all the enquiries which may be requisite for the regulation of your proceedings.

Your Excellency having empowered Capt. Call with authority to take any measures which, under the present circumstances he may consider necessary and proper, and the latter having assured me that he is in possession of Y. E.'s orders for the direction of the officer authorized to receive Fort St Marks of Apalache, we are making the necessary preparations for effecting its delivery; I must then flatter myself that Y. E. will be persuaded of my desire to promote your good pleasure, and convinced of the true sentiments of friendship and harmony which animate me.

As Y. E. and myself are the persons authorised on the part of our respective governments to carry into effect, so far as relates to the charge committed to me, the terms agreed on in the Treaty, there only remains for us, to preserve

in our subsequent transactions that concord which may ensure their mutual success.
God preserve you many years.

(signed) José Callava,
Col. Command.t W. Florida, &c

H. E. Andrew Jackson, &c. &c.

No 1.

An estimate of the force composing at this date the Garrison of Fort St Marks of Apalache, which is to be transported to this Place.

Officers 3
Soldiers and other persons in public employ 57
60 Total.

Pensacola, 10th June, 1821. —

(signed) José Callava

No 2.

An Estimate of the Military force and the Persons in Public Employ of every Kind, with their families, to be transported to the Havanna at the charge of the Govt. of the U.S.

42 Officers and 366 individuals attached to the Troops	407.
Wives of the Military Officers	11.
Their Children	22.
Their Servants	70.
Persons in public employ	40.
Their Wives	12.
Their Children	33.
Their Servants	46.
Total	631.

Pensacola, 10th June, 1821.

(signed) José Callava

Note.

In relation to No 3. the wives of the Officers, civil and military, are entitled to a ration and a half, and their children and servants to one. —

No 3.

An Estimate exhibiting the quality and quantity of the Daily Ration regularly furnished to the Spanish Troops embarked for transportation.

Pilot Bread, — — — eighteen ounces.
Salt Meat — — — if Beef, six ounces; if Pork, four.
Beans — — — — six ounces and a half; if Rice be substituted, five.
Wood — — — — twelve pounds.
Water — — — — six pints.
Salt — three drachms, i.e. 3/16 oz.
Vinegar — in proportion to the number composing the mess.

Diet Rations for the sick, estimated at four in every hundred persons embarked in the manner above-stated.

The Half of a Fowl, or a pound of mutton, or of other fresh meat.
Pilot Bread of a superior quality — twelve ounces.
Rice — two ounces.
Wine — half a pint.

Note.

The Officers who embark at Pensacola for the Havanna, are allowed for the expenses of the Table a daily compensation of Two Dollars, for the term of Twelve days, which they receive when united into a Common Mess, or which is given to the Capt. of the Transport, in consideration of his furnishing their table; and if the passage exceeds the term of Twelve days, credit is allowed them for the remainder. But officers

have also the privilege, in cases of delay incident to sea-voyages, to take what quantity they want, of the provisions on board.

The days above-mentioned, during which a compensation is allowed for the Table of the Officers, do not serve as a rule in laying in provisions for the Soldiers; for, as in voyages, the frequent exposure to accidents precludes all certainty in the calculation of their length, vessels bound from Pensacola to the Havanna always take on board provisions to last them a month: that at least is the result of my inquiries addressed to persons who are in the habit of performing that voyage; for in the Office of national Revenue no precedent is to be found, conclusive on this subject; as I cannot furnish Y. E. any accurate information concerning it, you will no doubt follow the dictates of your own prudence.

The above estimates are not given as rules for the transportation of the Garrison of Pensacola to the Havanna, but were formed for the satisfaction of Capt. Call, who wished to be made acquainted with the method followed in transporting our Troops, and in reply to that passage in Y. E.'s communication of the 30th April last, in which you requested to be advised of the number of days required for the voyage from Pensacola to the Havanna.

(signed) José Callava. Pensacola, 10th June, 1821.

(Translation) Don José Callava to General Jackson, dated Pensacola, 16th June, 1821.

Most excellent Sir,

I received yesterday Y. E.'s communication of the 12th instant, dated at Montpelier, and am advised of your having received mine of the 10th as also of the answer which you were pleased to make to it.

Your Excellency adds that in relation to the 2nd article of the Treaty of Amity, recently concluded between Spain and the United States, it is the opinion of the President of the United States, that the cannon belonging to the fortifications are to be considered as annexed to them, and included in the cession; you then go on to suggest some reflections of your own, and conclude by stating that you are directed as Commissary to insist that by the stipulations of the 2nd article of the Treaty, the cannon found in the fortifications, and constituting their batteries are dependencies on them, and included in the cession; and that they should be delivered with the armament generally belonging to that work.

That Y. E. may not have room to doubt in the least the fairness of the arguments to which I must reduce my reply, the object of which is, by avoiding all digressions relative to the particulars of your letter, to spare that time which is so necessary to us both for the fulfilment of our respective duties, as regards the receipt and delivery of West Florida, I must be somewhat diffuse though definitive and conclusive.

I must then begin by assuring Y. E. that I respect in every sense the opinion of the President, not only from the dignity of his person, but chiefly from my want of authority to combat that opinion. I must also represent to you that I am not authorized to give any kind of interpretation to the articles of the Treaty: that I must confine myself to the literal context of them, and to that of the orders received by my Superior for their fulfilment; and lastly that neither is it my province to judge of or to investigate the interpretation given, or wished to be given by the President to the 7th article, of which you call my attention to the liberal constructions

allowed of it by him) nor to determine what the articles are, that are to be transported, or whether the above-mentioned constructions ought to be put into the balance with those which you wish me to admit in the 2nd. article, - as all these questions are directly foreign to the powers in my trust.

I must therefore beg leave to state as follows. On the 9th. instant, I received orders from the Captain General of Cuba, commissioning me to make the necessary preparations for the evacuation of this Province by the Troops of His C. M. in the space intervening between the day of receipt of his orders, and the 22d. August next, or sooner if possible, and commissioning me also to arrange the transportation of the Troops, Artillery, munitions, &c.

For the observance and accomplishment of this injunction, H. E. transmitted to me therewith a Copy of the Treaty, and another of the Royal Letters Patent for the execution of the same, according to its tenor, and the stipulations it contains.

In the 2nd. article of said Treaty (amongst other things which I omit as not relating to the present case) is the following clause: "H. C. Majesty cedes to the U. States, in all property and sovereignty, the public edifices, fortifications, and barracks." Now a public edifice is one devoted exclusively to national uses, such as, Quarters, Hospitals, Magazines, &c. It is evident that the building thus appropriated constitutes the edifice, and that the moveable furnitures, which may be placed within it at the owner's option, forms no part. He may remove them to-morrow, substitute different ones, of equal, greater, or less number or value, suiting the destination of the building, or with a totally distinct object. Consequently the effects within or without the edifices are not comprehended under the conclusive and genuine term edifices in the

It is likewise manifest that in this article, and with relation to the word specific it is not said: I cede with them or with the Fortifications the moveables, artillery, and munitions, which may or ought to be destined to the same use that the buildings are, amounting to such a number, or in general, or such as they stand at this day, or at the day of their delivery

It may also be said that it is an axiom admitted in Society, that previous to the formation of contracts of all kinds, having for their object a sale, a cession, or a transfer, a clear and specific mention is necessarily made of all that is sold, ceded, or transferred to another.

A fortification is nothing but an edifice to which that name is given, and consequently follows strictly the rules above-mentioned; the artillery, munitions, provisions, iron-work, arms, and other contents, being the moveables contained in the edifice, which does not cease, when these are removed, to be a fortification.

The number of pieces of ordnance at present in West Florida, and the proportion which they bear to its size, shew, that they never could all have belonged nor have been necessary to its trifling and feeble fortifications — another circumstance, demonstrative, in my opinion, that Spain had no intention of ceding them to the U. States, since the indispensable mention would otherwise have been made of them.

The inference from the above indisputable points is farther confirmed by the concluding clause of the Royal Cedula referred to, sent by H. C. M. to the Capt. General of the Havanna; for amongst other things which I omit as foreign to the present question) it runs thus: "you will prepare for the delivery of the public edifices, fortifications, and barracks, and of all the other effects which may belong to the nation, and are not found comprehended and mentioned in the express clauses of the cession, you will cause them to be transported to another point of the Spanish possessions more convenient to the public service." The preliminaries being now settled, and this reply being reduced to the conclusion to which they lead, if Y. E. will do me the honour, for the sake of the amity and harmony which reign between us, to put yourself into the place I occupy and the duties I have to [illegible] you will not do less than acknowledge that I ought not, and consequently cannot, make you a delivery, with the fortifications, of the whole or

a part of the artillery, munitions, and other articles in this department, to pass with them into the property and under the sovereignty of the U. S.

My warmest wishes have for their single object the good harmony and amity which exist between our respective Governments, and which I desire may reign between us; and I therefore incline to the determination that Y. E. (considering the opinion entertained by the President) should represent this difficulty to him, as soon as you have time, as I consider that with H. C. M.'s Minister Plenipotentiary at Washington, he may so arrange the matter as to extricate us both from our embarrassing situation: — in the mean time it appears to me a necessary as well as a warrantable step, to place the Artillery of the Forts, with all the effects appertaining to them, under the safe-guard of Y. E. and the officers and troops of the U. S. after having the proper inventory taken.

A severe and sudden indisposition prevents my entering for the present moment into farther particulars, of which I will treat with Y. E. with the first relief that I experience.

God preserve your Excellency many years.

(signed) José Callava

Col. Commandt. of W. Florida, &c.

H. E. Andw. Jackson.

(Translation) – Don José Callava, to Col. James Gadsden, dated Pensacola, 19th June, 1821.

Sir,

I received this morning by the hands of Capt. Call your valued letter, in which you have the goodness to communicate to me the substance of our yesterday's interview, on the subject of your authorisation by his Excellency Genl. A. Jackson.

The points mentioned in your letter of to-day are, I am now fully persuaded, the same which my interpreter wished to make me comprehend; but I remained so much in doubt as to what was the positive object to which they related, and whether the true sense had been given to my replies, that as a proof of the confidence and friendship I requested for our better understanding, that you would set them down in writing, and suspend your judgments.

The particular mode of correspondence never was, nor could be, nor is, considered by me as an essential point in our official communication on the above particulars, consistently with H. E. Genl. Jackson's intimation in his communication giving you authority; this subject therefore, although discussed on paper, is susceptible of no other understanding than that which might be given it by word of mouth.

I am particularly sorry that my note did not come to hand as soon as I wished; but I can assure you that not eight minutes elapsed, after you left my house, until I dispatched my secretary with it, and the delay in its receipt on your part proceeded from my Secretary's not meeting with you in the places where he first directed his search.

Fully sensible as I am of the importance of the inquiries which you wished to make of me, in order that you may fulfil the charge entrusted you by H. E. Genl. Jackson, I request that you will state to him as follows: — That this place being a sea-port, I regard it as a point of absolute necessity that no more than the authorities of one single nation should subsist in it at the same time, to prevent the innumerable evils which would result from any other state of things. Besides, as the direction of the different branches under my

charge, and the conduct of the measures preparatory to the evacuation, devolve upon me, it is absolutely necessary that the command should be vested in my person until the moment agreed upon for the embarkation of the Troops, the delivery of the records, and the formalisation and conclusion of the documents connected with an affair of such importance as is the evacuation of a Province.

In pursuance of your own observations on the removal of the U. S. Troops, a measure which may become necessary in consequence or independently of the proposed evacuation, you will also, if you please, apprize his Excellency the Genl. that I am ready and disposed to enter into any agreement with him which circumstances may render adviseable.

I avail myself of this opportunity to assure you that I am

Your most obt. Servt.

(signed) José Callava

(Translation) Don José Callava to Genl. Jackson, dated Pensacola, 19 June, 182[1]

Most excellent Sir,

At this moment I for the first time happily feel myself relieved from the violent and dangerous attack by which my life was threatened, as I informed Y. E. in my note of the 16th inst.

I am still however suffering from the effects of a decided dysentery, attended with symptoms of ill omen, but as I ought to prefer the punctual and prompt discharge of all my duties to the preservation of my own existence, it is with much satisfaction I reply to your Excellency's communications which I have on hand.

I have received Y. E.'s note of the 16th inst. dated at Manuel's house, 15 miles from this place; I am therefore advised of the notice given me by your Excy. of your arrival at that place, and of your being prepared to fulfil the objects of your commission, as sole commissioner named by the Govt. of the U. S. to receive possession of E. and W. Florida, according to the stipulations of the Treaty of amity, settlement of differences and limits, concluded by the Plenipotentiaries of Spain and the U. S. on the 22nd February, 1819, and ratified on the same month & day of 1821. In reply, I congratulate Y. E. on your happy arrival in the soil of this Province, and I repeat the assurance I have made you in other communications, of my being furnished with orders under the same treaty to evacuate this Province, and give possession of it to the commissioners or officers of the U. S. lawfully authorised to receive it.

Y. E. expresses also a wish that I would concur in fixing a day as early as possible, and to suit the mutual convenience of both parties, for an interview and exhibition of our credentials, a reciprocal official recognition, and an entrance upon the duties of our respective commissions: In reply, I have the honour to acquaint Y. E. that in your quality of Commissioner, you may, when it suits your ~~convenience~~ pleasure, and in the manner you may deem most expedient, exhibit your credentials to me, as the existing commandant of this Province, — and that I have already told your Excellency that I am authorized to enter into arrangements for its being evacuated by his C. Majesty's Troops and delivered to your Excellency agreeably to the stipulations by our respective Governments.

As soon as the first intelligence reached me of Y. E.'s arrival at the above-named spot, I should have been very much flattered to have had the pleasure of

seeing your Excellency, as the most striking proof of the sentiments of friendship and good intelligence which subsist between us, and which I am particularly desirous of keeping up with y. Ex.; but of that satisfaction I have been deprived by my accidental indisposition.

I remain, with the warmest sentiments of friendship,

Your Ex.'s most obt Servt

(signed) José Callavas, &c. &c.

(Translation) Col. José Callava to Genl. Jackson, dated Pensacola, 19th June, 1821.

Most excellent Sir,

Experiencing a little relief from my sufferings, as I have already acquainted Your Excellency in my note of this day, I have the honour to inform you that I have received your communication of the 17th inst. in reply to mine of the 16th. id. and that I am apprized of its contents. I cannot but regret the circumstance of our difference of opinion relatively to the artillery, as evidenced by our correspondence down to this date, but I rest assured that by following the course which I propose to Your Ex.y as the only one that I could adopt, all the operations to which my superintendance extends will very soon be brought into a desireable train.

I remain, with the warmest sentiments of friendship, and the most anxious wish to see you,

Your Excellency's most obedt Servt.

(signed) José Callava
Actg. Commandt of W. Florida,
& Commissioner under the Treaty of Cession

H. E. Genl. A. Jackson.

Col. Callava to Genl. Jackson, dated Pensacola, 20th June, 1821.

(Translation)

Most excellent Sir,

It is now half after nine o'clock in the morning, and I have just received Y. E.'s estimable Note, apprizing me of the arrival of Col. Gadsden near you, and of your having dispatched some Waggons to this town to procure provisions for your Troops.

My sufferings have not left me, but prompted by a constant desire of contributing to gain all possible time for the speedy evacuation of this Province, I have employed my attention in drawing up the Articles of Agreement which I enclose to you, the sole object of which is that your Excellency may regulate my judgment with regard to the subsequent arrangements, and give me concerning them all the directions which to you may seem necessary and agreeable.

I remain, with the highest respect and amiable feelings for your Excellency,

Your most obedt Servt.

(signed) José Callava.

(Translation)

Articles of Agreement relative to the evacuation of West Florida, and its proposed delivery to Genl. Jackson.

Art. 1. It devolving upon Genl. Jackson to have in readiness the transports

which are to convey to the Havanna the troops and public officers now in this Province with their effects, as well as to furnish the supplies of provisions for said transportation, some instructions in writing will be required of H. E. concerning the manner in which the rations are to be distributed to the persons to be transported, in order that other instructions may be furnished to the military commanders placed over the number of persons in each vessel; there will also be need of an intimation on the subject from H. E. to the Captain of the Transport or other persons having the direction of the Stewards, together with a mention of the hours, if possible, at which the rations are to be given out, and whether the cooking is to be done by an individual on board, or by the Stewards belonging to the troops. All these particulars, though apparently minute & undeserving of attention, nevertheless merit consideration, as it is very possible that there may not be found in the transports persons conversant in the languages of both Nations, whence differences might arise in the vessels through misunderstandings. It would also be proper that H. E. should appoint an officer to inspect the supplies of water, (if the superintendence of this part of the provisions should not be committed to the Commander of the Convoy, as the Captain of the Transport cannot be entrusted with it) both as to their quantity and quality, on account of the variety of uses to which the casks may have been applied, from the circumstance likewise of the warm season in which the passage is to be made, and because the Spanish Troops are allowed no other drink than water during similar voyages.

Art. 2. — It belongs to the actual commandant of West Florida, in regard to the preceding article, as soon as he is advised that the transports are ready, to name the day and hour for the embarkation of the equipage (it having been before agreed on between the contracting parties that the Field-Artillery with its ammunition shall be carried on board as forming a part of the arms belonging to the Troops) an operation which is to be effected by the garrison, and for which the use of the boats belonging to the vessels must be allowed them: it will be further adviseable that a U. S. officer should be present at these embarkations to observe that the sailors manning said ~~boats~~ conduct the operation with due order and propriety.

Art. 3. — The same commandant is also bound to have in readiness the inventories of the records and other public instruments, to be delivered to the U. S. Commissioner or to such person as he may appoint: these that they may be approved to be genuine, must be attested by three persons on the part of those who deliver and on that of those receiving the same.

Art. 4. — To his share also it falls to draw up statements of all the public edifices, fortifications, barracks, and other buildings belonging to the Nation, and to make the delivery of them respectively to the U. S. Commissioner, or such person as the latter may name to receive them: these statements must be made attested by an equal number and in a like form with the above inventories.

Art. 5. His Excy. the Genl. is bound to give to the Spanish Commt. & Commr. the corresponding receipts in an authentic form, acknowledging that he has received from him the territory of this Province, together with all the adjacent islands; also that it has been delivered into his hands as being the property and sovereignty of H. C. M., agreeably to the 2nd Article of the treaty of amity, settlement of differences and limits, concluded at Washington on the 22d day of February 1819, and ratified on the corresponding day of 1821.

Art. 6. — Lastly, the Spanish Commt. and Commr. has it in charge to announce to the public, through the medium of manifestoes, the day on which this Province passes under the property and sovereignty of the Republic of the U. S. of America

and on which consequently the authorities of the same enter on the exercise of their functions.

Art. Extra. Touching the ceremony to be observed on the hoisting of the Flag of the U. S. and the striking of that of Spain, which act is to take place at the fortified point (the Barrancas), the General and the Commissioner may come to an agreement.

H. E.y Andrew Jackson
&
Col. Comm.dr José Callava.

(Translation). Don José Callava to Gen.l Jackson, dated Pensacola, 22d June, 1821.

Most excellent Sir,

I received with the utmost satisfaction yesterday morning your Excellency's communication of the same date, as in it I observe plainly that Y. E. displays your sublime prudence under every aspect: being informed of all the minor points and particulars of your relation, I with pleasure pass on to answer those which require some comments.

I perfectly agree with Y. E. that the exhibition of credentials may be deferred for the present, but I must add that in the single event of my complaint retaining its violence, Y. E. may, at a convenient time, send me, by one of your Aids, the document by which it appears by certificate that Y. E. is the person authorized by your Gov.t to receive this province, which H. C. M. has at this time under my charge; because if it contains only that authorization, the original ought to remain in my possession for my own exoneration, and if it should happen to contain any other appointments it will be necessary that four copies of that part of said document relating to the authorization should be taken in the Spanish language, and that Y. E. should attest by your signature the correctness and legality of the same; all of which it will be proper should be done in time to be a suitable evidence of my discharge. Your Exc.y must not be surprized or astonished at my refusing to receive the document referred to, at the time you sent it to me by the hands of Dr Bronaugh and Judge Brackenridge, since I had at that epoch (as I apprized Y. E.) no order for entering on, or proceeding to the evacuation and delivery.

It is positively false that the least authorization has devolved on Alva from my govt., as he was only charged with bearing to me the orders under cover, and it is an undoubted truth that I am the commander entrusted by Spain with the govt. of West Florida: that without my consent and instrumentality no one could deliver said province to another nation, and that no person has at this time the most distant idea of such an undertaking, either with or without my connivance; and under these circumstances I desire, with the highest sentiments of friendship, fairness, and candour for Y. E., that you would be persuaded of its being altogether unnecessary for you to receive from me the authorizations given me, as the operation demands solely that I should be perfectly assured of the person who is to receive said province.

As soon as the Garrison of Apalache shall be in this place, and the transports shall be ready, I esteem four or six days at the utmost as sufficient for the delivery of it, the embarkation of the equipage, troops, and other individuals; whence Y. E. may now infer the time, solicited of me, to be fixed.

I am well apprized of the arrangements relative to the subsistence agreed upon for the transportation, and acquiesce in them.

I regret particularly the inconveniences with which the U. S. troops have met, in the place where they are located, as well as those attendant upon

the conveyance of their provisions: if both of them could be remedied by a nearer approach to this Town, I would with the greatest pleasure contribute to the better accommodation of both, to the utmost extent of their abilities: Y. E. knows that this is in your power, as also in that of your officers and troops, and that the only obstacle lies in the inconvenience — that the soldiers on either side might be embroiled, which would give rise to unpleasant consequences; Y. E. will follow the dictates of the necessity of the case, your own prudence and good pleasure.

Permit me further, out of your pure goodness, to repeat definitively, that I cannot subject the Artillery and its appendages to any kind of compromise, as I am possessed of no authority to do so, and consequently no other resource remains to me but that which I proposed to Y. E., of which I have already notified H. C. M.'s Plenipotentiary in Washington, as a proof of my good wishes towards you, and of my anxiety about the determination which may or will be agreed upon at that place with the Presdt. In the mean while, I leave a part of it mounted on the fortresses, although this mode of proceeding rests upon my responsibility in a possible though unexpected event, namely that the expense in which the labour necessary to its removal may involve the nation, and which I might have spared by making a seasonable use of the garrison, may be charged to my account; but this mode of proceeding is, in my judgment, consistent with prudence and our better intelligence, considering the above-mentioned perplexity in which we are involved.

I had last night the honour of seeing Lieut. Col. Brooke, to whom I presented my respects for your Exy., and now for the last time I repeat my most effectual thanks for the interest you express in the re-establishment of my health, the return of which I value more particularly from the peculiar satisfaction which it will give me to see Y. E., whom meanwhile I wish every description of happiness.

God preserve you many years. Pensacola, 22d June, 1821.

(signed) José Callava.
Col. Comant of W. Florida,
& Commr. under the Treaty
for its cession.

H. E. Andrew Jackson.

(Translation.) Col. José Callava to Genl. Jackson, dated Pensacola, 22d June, 182

Most excellent Sir,

With the correspondence which the Capt. Genl. addressed to me per U. S. Sloop of War Hornet, which anchored in this harbour on the evening of the 10th instant, His Excellency acquainted me that he had delivered a package for the Governor of E. Florida, containing the orders for the delivery, to the Spanish citizen Don Pedro de Alva, who came in said vessel, and who was to proceed with said package to St. Augustine; of which he had also notified in the Havanna Col. James G. Forbes, the Commissioner of the U. S., on account of the assistance which it may be necessary for him to afford to Alva.—

On the 12th instant, I sent for Capt. Call, your Exy.'s agent here for the transportation of the garrison of Apalache; I represented to him the dispatch with which Alva was entrusted, and that I thought it would be very suitable he should embark in the transports which were to sail for that destination, whence he might pass over to St. Augustine by land, under any arrangements which he might agree upon with Col. Forbes.

Call replied that the Captain of the Hornet had assured

him that a U. S. Schooner had sailed from the Havanna for E. Florida, to which he had given in charge the commission of conveying the packet containing the Capt. General's orders for its delivery; and although I insisted that Alva's going thither would not be superfluous, as some unforeseen accident might befal that dispatch, it was at that time, it seems, thought unnecessary. The vessel set sail several days after, and neither Alva, nor Forbes has taken any measures on the subject, that I could learn.

I required Alva, yesterday, to give me an account of his proceedings with Forbes in relation to the aid which it was proposed at the Havanna the latter should give him, what arrangements Forbes had made, and how it was he was remaining wholly inactive here. In reply, Alva informs me Forbes has arranged and agreed on nothing, pursuant to the suggestions which he has made him, and that, in a letter which he has sent him, he has finally exonerated himself by saying that he would submit the matter to your Excellency.

It is incomprehensible what a medley the absurdities and visionary projects of Alva and Forbes form; they live together, and can alone understand each other; but this much is certain, that the package is here, and I am at this moment perplexed by the uncertainty of its being or not being in default at St Augustine, and apprehension of the prejudice which both Nations may sustain, if by mishap the former should be the case.

I entreat your Excellency, therefore, to have the goodness, in consideration of the foregoing, to let me know, if you have any intelligence of the orders being actually or probably in St Augustine, and in the contrary case, if your Excellency thinks the transmission of this package necessary, what means are at your command for carrying it into effect, or to what other mode of proceeding recourse is to be had.

God preserve y. Exc. many years. Pensacola, 22d June, 1821.

(signed) José Callava,
Col. Comm.t of W. Florida,
& Comm. under the treaty for its cession

H. E. Gen.l Jackson.

(Translation)

Don José Callava to Gen.l Jackson, dated Pensacola, 25th June, 1821.

Most excellent Sir,

I received yesterday morning Y. E.'s communication of the 23d inst., and as I am well acquainted with the tenor of the particulars it embraces, and scrupulously so with the part relating to the Artillery, your E.'s orders and instructions on that subject, I proceed to answer you on that leading point with all the definitive conclusiveness which it demands and which falls within my province. I have already assured Y. E. that there neither can have been nor is any misunderstanding in the account which I have given to his C. M.'s Minister Plenipotentiary in Washington, for I have made it with correct and literal copies of Y. E.'s letters and my replies; and I will do the same on the first opportunity with this definitive communication, that it may operate the proper effects on those antecedently sent.

On Y. E.'s making me, in your letter of the 12th instant, a reclamation of the Artillery, signifying, "That it was the opinion of the President of the U. S. that the cannon belonging to the fortifications were to be considered as annexed to them, and included in the cession; and that your Excellency was directed as Commissioner to insist that by the stipulations of the 2nd article of the Treaty, the cannon found in the fortifications,

constituting their batteries, are dependencies on them, and included in the cession, and concluded that the cannon constituting the batteries, or the armament generally belonging to them should be delivered with the fortresses as included in the cession": I told Y. E. in my letter of the 6th inst. that, to avoid digressions, I was going to be in my answer definitive and conclusive. In the true sense, therefore, of that phrase which I rendered obligatory, I represented "that I ought not, and consequently could not, make Y. E. a delivery, with the fortifications, of the whole or of a part of the artillery, munitions, and other articles in this department, to pass with them into the property and under the dominion of the U. S."; and I added, that my sentiments having for their sole object to promote the good intelligence and friendship existing between our respective governments, and which I desired might reign between us, I inclined to the determination that Y. E., in consideration of the President's opinion, should give him an account of the difficulty (whenever you had time) as I considered that through the channel of H. C. M.'s Minister Plenip. in Washington, the proper determination might flow, which would leave both Y. E. and myself on those amicable terms which we ought so much to desire: that until that determination arrived, it appeared to me necessary and consistent with moderation that the artillery of the fortifications, with all the effects appertaining thereto, should be placed under the safeguard of Y. E., the officers and troops of the U. S., after the suitable inventories had been taken.

In the subsequent letter which I addressed Y. E. on the 19th inst. in reply to yours of the 17th treating of the subject, I also told you in corroboration of that conclusion, and amongst other things which had an intimate tendency to it: "I am sure that by the means which I have proposed to Y. E. as the only one that I could adopt, the proper determination will very soon be ascertained relative to all the objects under my care.

Finally, my reply of the 22d to the following words of Y. E.'s letter of the 20th, "I am in hopes however that we will be able to conclude on an agreement to our mutual satisfaction, touching the cannon claimed by the government which I represent, as included in the fortifications ceded, and in a manner to be amicably settled by our respective governments"; — was this: "I request that Y. E. will have the goodness to allow me to repeat to you definitively, that the artillery and all its appendages I can subject to no kind of compromise, as I have no authority to do so; no other method therefore remains for me to adopt but that which I have proposed to Y. E., and of which I have already given an account to H. C. M.'s Minister Plenipotentiary at Washington, as a proof of my sentiments of harmony, and of the anxiety I feel concerning the determination which may or will be agreed on there with the President.

Prompted at present, on one hand, by the warmest feelings of friendship and harmony, and venerating as most sacred that friendship and harmony which prevail between our respective governments, and in their compacts, and on the other, desirous of cooperating with Y. E. as far as may be in my power, I make you the definitive statement requested by you, and comprehended in the following Heading which I am going to draw up, and which is to be prefixed word for word to the Inventory of the Artillery and its appendages: the aforesaid, as we will mutually contribute our assistance to its formation, is to be signed by Y. E. and myself.

"An Inventory of the Cannon, Arms, military stores, &c. of which Don José Callava, Col. and Commandant for his C. Majesty in West Florida, has not made a delivery to pass into the possession, dominion, and sovereignty of the U. S.

as he has done with regard to the public edifices, fortifications, barracks, and other buildings, which have not been esteemed and held to be the property of private individuals. This inventory was formed of said artillery, munitions of war, and other effects appertaining to the department of Artillery, in order that the articles contained in it may remain subject, as far as concerns their removal out of West Florida and to the territory of Spain, to the determinations agreed on between H. C. M. Minister Plenipotentiary and the government of the U. S., and in the mean time may remain in the safe keeping of their Commissioned, officers, and troops. The expressed subjection of these moveable effects was made at the instance of said Commissary on the part of the U. S., Andrew Jackson; the abovementioned instance was made on the ground that they must be understood (in the opinion of the President already referred to) as comprehended with the fortifications and ceded with them, under the 2nd Art. of the Treaty of amity, settlement of differences and limits, concluded definitively between Spain & the U. S. on the 22d of February in the year one thousand eight hundred and twenty-one: all which appears in detail from the correspondence held on the subject between said Commissary and the Commandant Don José Callava, both of whom are bound to give an account of the same to their respective governments."

Your Excy may consider under every point of view allowable, in the contents of this heading to the Inventory, my decision respecting the artillery, and nothing is wanting to make this point as clear as daylight, but that your E. should inform me decisively whether under the term "the artillery belonging to the fortifications ceded", you understand the whole number of cannon in West Florida that are not field pieces, and every thing appertaining to the department of Artillery, to be comprehended, or a determinate part of both. If you mean all, the whole shall be comprehended in the inventory; in the contrary case, only the number that you may specify.

No remark offers itself to me on the circumstance of furnishing Y. E. with a certificate of the number of persons transported, and of the provisions with which they have been supplied by Y. E. for their voyage.—

The state of my health does not allow me at this moment to answer Y. E. concerning the other particulars, the translations of which are not yet finished either; I will do it by a convenient opportunity, but I cannot omit here, to avoid equivocations, referring anew to what I have told Y. E., that as soon as the garrison of Apalache arrives in this place, and the transports are ready, I estimate at four or six days at most the time necessary for its delivery, the embarkation of the equipage, troops, and other individuals, as I observe in Y. E.'s communication that you only refer to the time subsequent to the arrival of the garrison of Apalache.

I remain with the warmest sentiments of friendship & respect for Y. E. God preserve Y. E. many years. Pensacola, 25th June, 1821.

(signed) José Callava.
Col. Comant. W. Fl.
& Comant. &c.

H. E. Andrew Jackson.

(Translation) Col. Callava to Genl. [16] Jackson, dated Pensacola, 26th June, 1821.

Most excellent Sir,

Having remarked, after my letter was delivered yesterday to Capt. Call, that by a departure from the right idea and the genuine sense which I wished to convey, the following words were placed in the heading or formula for the inventory to be made of the artillery, —"may remain subject, as far as concerns their removal out of West Florida, and to the territory of Spain"; I apprised Y. E. at a seasonable time that those words must be replaced by the following: "may remain subject, as far as concerns their withdrawal, &c."

God preserve Y. E. many years. Pensacola, 26th June, 1821.

(signed) José Callava,
Col. Commt. W. Florida
& Commr. &c. &c

H. E. Andrew Jackson

Col. Callava to Genl. Jackson, dated Pensacola, 28 June, 18[21]

(Translation)

Most excellent Sir,

I have this moment at 5 P. M. received advice from Col. Gadsden that he is to sail for St Augustine on Sunday next in the U. S. Schooner Revenge; in consequence, I hope that Y. E. will do me the honour to-morrow to answer my letter of this day's date, informing Y. E. of the steps which I think advisable in relation to the dispatch which is here, with the orders of H. E. the Capt. Genl. of the Island of Cuba for the evacuation and delivery of E. Florida.

God preserve Y. E. many years. Pensacola, 28th June 1821.

(signed), José Callava,
Col. & present Commt. of
W. Florida, and Commr.
under the Treaty for its cession

H. E. Andrew Jackson

(Translation)

The paper of Articles of Agreement sent me by Y. E. accompanying your letter of the 23d, I will answer as soon as Major Stanton has repaired to the Barrancas to inspect the Field Artillery (which I request may be embarked), and reported to me the result of his investigation, a measure which it is proper should be taken to-day or to-morrow, agreeably to my intimation to Y. E.

(Translation)

Most excellent Sir, I have in effect received, accompanying Y. E.'s communication, the certified copy which you sent me of the original document, transmitted to you by the President of the U. S. and investing you with authority to receive possession of this Province of West Florida, and I am consequently advised of it, as also that the original will be presented to me which you deem expedient to retain.

I remain with sentiments of friendship and consideration for Y. E.

God preserve you many years. Pensacola
28th June 18[21]

(signed). José Callava,
Col. & Commt. of West Florida, &
Commr. under the treaty for its cession

H. E. Andrew Jackson.

(Translation)

Most excellent Sir,

By Y. E.'s communication of the 26th instant, I am informed that Col. Forbes apprises Y. E., in the report which he has submitted to you relative to the orders given in charge at Havanna to Don Pedro de Alba, (a citizen of Spain (at present in Pensacola, and in possession of said orders) by H. E. the Capt. Genl. of the Island of Cuba, for the evacuation and delivery of E. Florida, "that the Schooner Nonduch was to sail from the Havanna, a few days after the Hornet, for St Augustine, having on board Don Arredondo, the bearer of an order to the Governor of E. Florida, for the delivery of that province to the American Commissioner authorised to receive it; and that Col. Forbes accompanies his report with a letter from said Capt. Genl. to the same effect. We have therefore every assurance that no prejudicial consequences can result from the detention of the orders committed to Alba's care."

Y. E. also informs me, "that Col. Gadsden, if he can freight a vessel, will set sail in three or four days for St Augustine, charged by Y. E. with the execution of some important duties; and that in case he should fail to obtain a conveyance by water, he will at all events set off within the same term by land for that destination." In reply to which I beg leave to acquaint Y. E. that as I am certain of Alba's orders embracing the evacuation and delivery of E. Florida, it would in no case be superfluous for Alba or a Spanish officer to accompany Col. Gadsden with them. Y. E. if you think it at all necessary or suitable, will have the goodness to come to a reasonable agreement with me on the subject.

I remain with sentiments of friendship and consideration for Y. E.

God preserve Y. E. many years. Pensacola, 28th June 1821.

(signed) José Callava,
Col. Comdt. W. F. &c.

H. E. Andrew Jackson

(Trans.) Col. Callava to Col. Gadsden, dated Pensacola, 28th June, 1821.

Esteemed Sir,

I have just this moment been informed of the contents of your two valuable letters of to-day; I advise you, in reply, that as regards the subject of the Artillery, I am in the act of addressing the General a suitable communication. The Inventory of the Artillery, which is the only document that we have to sign conjointly, may be headed in Spanish and English.

I thank you for the intimation you give me of your departure on Sunday next for St. Augustine, and apprise you that on that subject also I expect an order from the General.

I am, with sentiments of friendship and consideration, your faithful servt.

(signed) José Callava.

Col. Jas. Gadsden.

Col. Callava to Genl. Jackson, dated Pensacola, 28th June, 1821.

(Trans.) Most excellent Sir, In my letter of the 26th instant, which was duly committed to the care of Capt. Call, with an injunction to transmit it to you promptly, in order that it might have its effect before Y. E. should form your determination with regard to the views which I submitted to you in my letter of the day

before on the subject of the withdrawal of the Artillery) I stated that in the note prefixed to the inventory, the words "as far as concerns its removal out of West Florida, and to the territory of Spain" had been improperly used, and that they ought therefore to be replaced by the word "withdrawal". I had a right to expect that your Excellency would notice this seasonable communication of mine in a direct way; but in your reply I remark that you make not the slightest adversion to it, and to-day Col. Gadsden has, in a private way, requested an explanation in your name.

In the way of explanation, I have nothing more to offer, after stating to your Excellency, as I have done, the motives which induced me to propose the alteration in question. I will however here transcribe the heading in full for your information.

"An Inventory of the Cannon, Arms, military stores, &c. of which Don José Callava, Col. & Commandant for his Cat. Majesty in West Florida, has not made a delivery to pass into the possession, dominion, and sovereignty of the U. S., as he has done with regard to the public edifices, fortifications, barracks, and other buildings, which have not been esteemed and held to be the property of private individuals. This inventory was formed of said artillery munitions of war, and other effects appertaining to the department of Artillery, in order that the articles contained in it may remain subject, as far as concerns their withdrawal, to the determinations agreed on between H. C. M.'s Minister Plenipotentiary, and the government of the U. S., and in the mean time may remain in the safe-keeping of their Commissioner, Officers, and troops. The expressed subjection of these moveable effects was made at the instance of said Commissary on the part of the U. S. Andrew Jackson; the above-mentioned instance was made on the ground that they must be understood (in the opinion of the President already referred to) as comprehended with the fortifications, and ceded with them, under the 2d Article of the Treaty of amity, settlement of differences and limits, concluded definitively between Spain and the U. S. on the 22d of February in the year one thousand eight hundred and twenty-one; all which appears in detail from the correspondence held on the subject between said Commissary and the Commandant Don José Callava, both of whom are bound to give an account of the same to their respective governments."

While Your Excellency declines to communicate to me directly that the above has obtained your attention and approbation, I must suspend my consideration of, and reply to, your letter of the 26th instant.

I remain with sentiments of friendship and respect for Y. E.
God preserve you many years. Pensacola, 28th June, 1821.

(signed) José Callava,
Col. & Actg. Commdt. of W. Florida,
& Commissary under the Treaty for its cession.

H. E. Andrew Jackson

Here follows the Process Verbal sent by Col. Callava to Genl. Jackson, differing very little from the one adopted by mutual consent. To it the following Note came subjoined.

(Transl.) Note.

The idea of the above certificate translated and arranged according to the Spanish idiom was suggested by the formula which Y. E. sent me, to serve as a solemn evidence of the delivery of West Florida to the American authorities. In that document, which perfectly accords with the forms in use on similar occasions, every essential particular seems to be mentioned in a manner sufficiently determinate and express. If this meets Y. E.'s approbation, and nothing occurs to you that should be added or sub-

tracted; another exactly similar and his drawn out in your language, which will serve as an evidence of your having received the Province, and may form a separate paragraph in continuation of the former, or in a different paper, as Y. E. may prefer; these will be signed respectively by ourselves and our secretaries, two being made for Y. E. and two for myself, that each of us may retain a copy for his private use. Y. E. will have the goodness to advise me both whether in its purport conformable or otherwise to that document, and whether Y. E. wishes yours to form a continuation to the Spanish, or to occupy a separate paper, in order that in either case said document may be made out in time.

Pensacola, 28th June, 1821.

(Trans.) A reply to the Articles of agreement sent by His Excellency Major General Andrew Jackson, commissioner on the part of the United States, to Don José Callava.

Major Henry Stanton yesterday examined the flying artillery, and this day has given me notice that I might forthwith prepare for the embarkation of the same. I give my entire approbation to what is set forth by his Excellency the General, in the agreement referred to.

The ceremony of changing the flag, which is agreed to be performed at the Barrancas, may be as follows, should it meet the approbation of General Jackson. A Picket of Spanish troops consisting of an officer and twenty men, shall form under arms, with its right fronting the flagstaff. Such a Detachment of the troops of the U. S. as the General may think proper, to form exactly in front of the Spanish picket, the flagstaff between them, on which there are to be two halyards, and the Spanish flag hoisted. The flag of the U. S. to be hoisted half-mast high, and at the same time, that of Spain to be lowered and to remain at the same elevation, both of the flags continuing thus until a salute of twenty-one guns shall be fired, on which the flag of the U. S. to ascend, and that of Spain to be struck, and to be given in charge to the officer of the picket, who will then retire with his command, carrying the flag on board with him when he embarks. The aforesaid ceremony to take place on the same day and hour with the delivery of the province, which shall be suitably opportunely fixed upon by H. E. General Jackson and the Commt. Don José Callava.

Pensacola, 30th June, 1821.

Col. Callava to Genl. Jackson, dated Pensacola, 30th June, 1821.

(Trans.) Most excellent Sir,

By Y. E.'s communications of the 26th and 29th inst. in reply to mine of the 25th. 26th. & 28th. of the same, I learn your assent to my last decision; that the artillery and its appurtenances are not to be withdrawn by me, until what is proper respecting it shall be decided by the Minister Plenipotentiary of H. C. M. at Washington, and the government of the U. S.: the artillery and whatever belongs to it remaining under the safeguard of Y. E. and the officers and troops of the U. S. and that the heading of the Inventory to be formed of the artillery and what appertains to it, with the exception of the field artillery, is to be made out in the manner proposed by me to your Ex.y

All the cannon within the territory of West Florida, and every thing belonging to the artillery, shall be included in the Inventory, and the said inventory shall be made by the Commandant of the Spanish artillery, and Major Henry Stanton, agreeably to the method suggested by Y. E.

I am advised of the appointment of Capt. R. K. Call,

Y. E.'s Secretary and Aid, Dr. J. C. Bronaugh, and Judge H. M. Brackenridge, to unite with an equal number of persons whom I shall name, for the purpose of examining and comparing the Inventory of the Archives, public papers, &c. with the documents; certifying their agreement, and also to attest the inventory of the public edifices, &c. as exhibited by me; all which has my approbation, and shall be opportunely executed.

I remain with the most sincere sentiments of friendship and respect,

Y. E.'s Mt. Servt. — God preserve your Ex. many years. Pensacola, 30th June, 1821.

(signed) José Callava.
Col. Actg Commt. W. Florida, & Commissary under the Treaty for its delivery. —

H. E. Andrew Jackson

Confidential Note.

The action of delivering precedes, in point of time, that of receiving; in order therefore that I may not expose myself to censure from my government for any impropriety which may exist in the authentic document attesting the delivery and receipt of this Province respectively, I wish to call your attention to the circumstance — that in the two acts in the English language sent me by Y. E., you occupy the margin (or column) in which I am entitled to speak, as the person who makes the delivery. If through inadvertence Y. E. has not remarked that they were both written in this way, I hope Y. E. will have the goodness to inform me of it, as also of the necessity, or the reason, if any such exist on your part, for that arrangement; I have no objection to four of these documents being drawn up two in the form adopted by you, and two for myself on the same margin, so that each of us having two of them, I will be able to send one to my Govt. in which my act shall occupy the margin that I think suitable.

This is a confidential note made in the same spirit of friendship and frankness which you have displayed to me, and I hope to merit that you should in the same spirit state to me what you think adviseable.

God preserve Y. E. many years. Pensacola, 30th June, 1821.

(signed) José Callava.

His Ex. Andrew Jackson.

Col. Callava to Genl. Jackson, dated Pensacola, 3d July, 1821.

(Trans.)

Most excellent Sir,

With satisfaction I acquainted myself with the contents of your communication of the 1st instant, to the whole of which I agree with Y. E.

The four documents shall be made out, and revised by Judge Brackenridge, as also delivered to him, that the English version may be inserted in them.

I remain, with the most sincere sentiments of friendship, consideration, and respect, Y. E.'s most obt. Servt.

H. E. Andw. Jackson.

(signed) José Callava.
Col. Commt. W. F. &c. &c. —

The same to the same, dated Pensacola, 3d July, 1821. —

(Trans.)

Sir,

I perfectly agree with Y. E. in the addition which you have suggested to the Note I sent you, relative to the ceremony of the change of flags at Fort Barrancas. A Lieutenant of the Spanish troops will command the Picket.

Tomorrow, the 4th or the next day, the 5th, the meeting will take place of the persons named by Y. E. to compare the Records and other documents with the inventories made of them. The inventory of the Artillery will

receive [illegible] the attention, in the terms agreed to.

I wish Y. E. the best state of health: mine is improving, though slowly. I am Y. E.'s most obt. Servt.

(signed) José Callava.

H. E. Andw. Jackson.

The same to the same, dated Pensacola, 4th July, 1821.

(Trans.) Most excellent Sir,

I have the pleasure to acknowledge the receipt of Y. E.'s communication of the 3d instant, which reached me yesterday, in which you inform me, amongst other things, of the arrival in this harbour of the Ship Lucy Anne, one of the Transports destined to convey this garrison to the Havanna.

I am persuaded of having given Y. E., up to the present date, proofs that my inclination is altogether opposed to delay of any kind, and Y. E. may rest assured that in future not a single minute shall be lost in making the preparations preliminary to the delivery.

Major Stanton and Lieut. Col. Garcia are engaged in getting the Transports in readiness. The bad weather which we have experienced has not yet permitted the Lucy Anne to land the provisions she has on board; the same obstacle has stood in the way of the embarkation of the Field Artillery, which has for three days been waiting only for a favourable opportunity.

I repeat to Y. E. that no delay on my part shall be incurred, which can be avoided. I remain with the truest sentiments of friendship, consideration and respect for Y. E. God preserve Y. E. many years. Pensacola, 4th July, 1821.

(signed) José Callava,
Col. Commt. W. Florida.
&c. &c.

His Excy. Andw. Jackson.

The same to the same, dated Pensacola, 10th July, 1821.

(Trans.) Most excellent Sir, In reply to Y. E.'s letter of yesterday, which I received at nine o'clock last night, I have to inform you that Major Stanton set out this morning for the Barrancas, for the purpose of making out the inventory of the Artillery; and that on his return this evening, I shall learn whether that object has been fulfilled, and whether the transports are ready, so that, being in possession of this <u>datum</u> in full, I shall be able to-morrow to comply with the request expressed in your note referred to above.

The Schooners, which have brought the garrison of Apalache, are now unloading provisions at this place; as soon as this is done, they are to repair to the anchorage at Barrancas, for the purpose of landing the powder and munitions, which they bring from Apalache, to be placed in the Warehouses, and included in the general inventory.

Y. E. may rest assured that this Province will now be delivered to you in the shortest possible time, and that to-morrow I will appoint the day, agreeably to my promise. I have thought proper, in the mean time, to make the foregoing explanations, that I might not appear to be dilatory in answering your Excellency's letter.

I remain with the most sincere sentiments of friendship, consideration, and respect for Y. E. God preserve Y. E. many years. Pensacola, 10th July, 1821.

(signed). José Callava.
Col. Commt. W. F.
&c. &c.

H. E. Andw. Jackson.

Col. Callava to Genl. Jackson, dated Pensacola, 11th July, 1821.—

(Trans.) Most excellent Sir,

At this moment, seven o'clock, P.M. the last hand is putting to the Inventory of the Artillery; some little things yet remain to be completed on board the transports, and a small portion of the Pilot Bread, that is to form a part of the ration for the Troops is unfinished; the consideration of the above facts leads me to conclude that on Monday or Tuesday, the 16th or 17th instant, it will be in my power to deliver the Province of West Florida to Y. E. in the place already designated, and at six o'clock, A.M.

On Saturday, the 14th I will determine whether the delivery is to take place on Monday or Tuesday.

Previously to the hour I have pointed out, all the garrison shall be embarked, except a guard of thirty men and a Lieutenant, who are to remain in the Govt. house until the delivery, and that of the principal point or Guard-house, consisting of the same number, which is to be relieved by the U. S. Troops as soon as I make you the delivery.

It only remains for me to agree with Y. E. on the perfect necessity that there is, in case the expedition, owing to the weather, should not be able, after getting the Troops on board, to leave the Harbour for some days, of the rations consumed by them during that time out of the number of the 17 allowed them for the voyage, being replaced on board on the account of the U. S. or of their being furnished fresh on the same account during their continuance in the bay.

That the deserters whom we may have on either side from to-day be religiously restored by Y. E. and myself, without the necessity of mutual reclamations, but on the express condition that by the act of being returned, the corporal punishment which is considered due to the crime of desertion be on either part remitted to them.

I remain with the truest sentiments of friendship, consideration, and respect for Y. E. God preserve you many years.—

(signed) José Callava.
Col. Commt. W. Florida,
&c. &c.

H. E. Genl. Jackson.

Col. Callava to Genl. Jackson, dated Pensacola, 13th July, 1821.

(Trans.) Most excellent Sir,

The Commt. of Artillery has just now, at one o'clock P.M. informed me that Maj. Stanton, who has been to-day at Barrancas for the purpose of comparing the Inventory of the Artillery, has obliterated therefrom several pieces of cannon, with remarks on their usefulness or unserviceableness, and has not attested the Inventory as having been compared by him.

This is another and a fresh oversight, which I neither ought nor could have expected. Y. E. is aware that the question at this moment is not whether the pieces are fit or unfit for service; for neither the whole nor a part are going to be surrendered, and Y. E. cannot, any more than myself, make use of them. We have agreed to their being kept in custody and under safe-guard; consequently all the effects appertaining to the Artillery are to be taken down in an inventory, according to our further compact, and if the result of the negotiations between the Prest. and H. C. M.'s Minister Plenipotentiary should be that all the cannon are to be delivered, an investigation may then be made as to the ~~pieces~~

number of pieces fit for service or otherwise, in the estimation of that party which is to make use of them, and in a like manner, if a determinate number is to be delivered.

This occurrence I can attribute to nothing but an error, and have therefore lost no time in notifying you of it, in order that the Inventories may be seasonably completed, as they must be so for the day of the delivery.

I remain Y. E.'s most attentive Servt. God preserve you many years.

H. E. Andrew Jackson. (signed) Jose Callava,
Col. Commt. of W. F. &c.

Col. Callava to Genl. Jackson, dated Pensacola, 13th July, 1821.

(Trans.) Most excellent Sir,

With the greatest regret and surprize I received yesterday at seven o'clock in the evening, Y. E.'s warm communication, which in my opinion, without meaning any wrong to Y. E. is as wanting in justice as it is inapplicable to the existing circumstances between individuals of two nations who have just terminated their differences by solemn treaty.

In that communication I find my good faith sensibly attacked, as also the regularity of my proceedings, which I never have, nor ever could have supposed would be questioned by any one. Since however for my misfortune this has happened to me to-day, I proceed to reply to Y. E. in a manner conformable to the frankness of my disposition, the justice of my cause, and the spirit of friendship and harmony which direct all my sentiments and operations.

It is true that I stated to Y. E. in my letter of the 22d of June last, that as soon as the garrison of St Marks should arrive at this place, and the transports should be ready, I should consider four, or at farthest six days sufficient for the delivery, and for the embarkation of the baggage, troops, and other individuals.

That free declaration from the moment it was made depended on the future for its accomplishment; it was dictated solely by the desire to satisfy in the best faith the early instances of Y. E. made to a chief, whom Y. E. cannot but know is bound by his duty to superintend the complete and final adjustment of accounts of the different departments of a province; and of its offices; to remove them, with their incumbents and the families of the latter, not in the disorder which might be effected on the approach of an enemy, but with that decorum and regularity which belong to a state of peace, and which are usual even among uncivilized nations.

This declaration rested on futurity, and was liable on that account to those accidents which render it impossible to count on a moment of that time which is to come, to those occurrences and events which the power of man cannot control. In spite of all this, however, the epoch fixed from the impulse of candour and the best desire to give satisfaction, has happily not been disregarded.

The term mentioned by me was understood to commence when the transports should be ready, and these were not ready when I wrote to Y. E. on the 10th and on the 11th; nor were they so yesterday, nor are they to-day; utensils are still wanting which the troops will require on their passage; a portion of the Pilot-bread is deficient, which is to form a part of the ration on board. And on whose part did the failure occur? Not on mine; for I ordered it to be made at my own expence, from the moment that Major Stanton refused, when requested, to have the twenty-five barrels of flour, which he allowed as a part of the ration, made up into pilot-bread, (as the Spanish soldiers, unaccustomed to work up his flour, would in fact have been without bread on board,); and that Y. E. may the more clearly perceive the desire which animated me for the attainment of the earliest evacuation of this province, knowing that the baker employed for the Spanish troops could not work it up within the time and with the promptitude that I wished, I requested every individual of that occupation

in town to undertake a part, offering them a gratuity, over and above their compensation. Since then every thing is not ready on board the transports to-day, as is the fact, for some utensils are now making, under the direction of Major Stanton) and since from there being no mechanics in this place, I have procured a civil functionary to assist in the completion of them, it is therefore as clear as the light of day, that Y. E.'s complaints of me [no unexpected disposition to give me such offence,] are founded only in imagination, since the time which your Ex. counts out to me with as sparing a hand as would suit a person going to execution, was estimated by me at four or six days at furthest from the time the transports should be ready.

Having now shown Y. E. how little need there was for so great urgency, I have to inform you that the garrison of Apalache arrived effectively at this port at 11 or 12 o'clock on the morning of the 9th and that in speaking of days, not hours, it is usual to count the time between the dawn of one day and that of the next, more especially on occasions like the present. The 9th therefore ought not to be taken into account; on the other hand, it must be remembered that I requested, nay entreated most earnestly, that the vessels should be speedily unloaded, and my anxiety even prompted me to cause the provisions for my troops to be landed on the tenth, [in the rain] at the risk of losing them, and although there was no absolute necessity for it. I also solicited the return of the same vessels to the Barrancas to unload the munitions of war, that they might be placed in the storehouse, and included in due time in the inventory. ~~If on the 11th I had announced to your Exy the day and hour for the delivery of this~~ If on the 11th I notified Y. E. of the day and hour at which it would be in my power to make the delivery of this Province, I did so not only without the transports being ready at the time of my writing; but even then in the hope, with which I flattered myself, of being able to anticipate a day, and being in doubt whether the time would permit every thing to be in readiness to put the Troops on board; and therefore, to prevent confusion being introduced into an operation which requires time and care, I relied on having it in my power on Saturday to determine the day and hour in question. [That] I have aimed at pursuing the shortest methods for the accomplishment of that business, is remarked with astonishment by all who are aware how indefatigable myself and those under my orders, to whom the charge of winding up the affairs of the departments under their care has been assigned, have been in our exertions; that in order to shorten the time of the delivery, I have expended my own money to provide utensils for the transports. I have given definitive orders to the Spanish officer commissioned to act with Major Stanton, should any difficulties present themselves to the latter, on the subject of furnishing for the transports any articles which may be essential to the comfortable accommodation of the troops of this garrison during the passage, not to contest the point, but to proceed instantly to put them on board at my private expense, without discussing with Major Stanton the question of his obligation to furnish them, or giving him to understand that they were required of him.

That notwithstanding a severe indisposition, I have laboured night and day, regarding, unnecessarily, as a secondary consideration, the preservation of my existence, is a most sacred truth, as also that at this time I have experienced three relapses, and that I have not had [hitherto, and] have not at present, any person to supply my place; that the speedy arrival of the moment for the delivery of this Province interests myself more nearly even than Y. E. is not less true, as in the present state of my health, the fatigues of mind and body might, were that moment deferred much longer, conduct me to my grave.

The inventory's not being made out on Major Stanton's arrival did not proceed, as Y. E. seems to think, from negligence on the part of the Spanish

Officer of Artillery, for as I had stated to you in my letter of the 30th of June last, that the inventory should be made out by the Spanish Commandant of Artillery, in conjunction with Major Stanton, the concurrence of both was necessary in proceeding to make it;— I had given directions to the said Comm.t accordingly; and so far from the delay having been occasioned by him, that delay was to be attributed to Stanton, for having gone to the Barrancas with that object, he ought to have united with the Commandant for the purpose of making it, each one in his own language, on a view of all the articles. Had this been the case, we should not be under the necessity of making new confrontations, and wasting that time which Y. E. counts out to me by minutes so scrupulously exact, and which is so necessary to myself and to my subalterns for the discharge of other pressing duties.

As to unnecessary delay in the delivery of W. Florida, I know of none: The treaty stipulates that that event is to take place by the 22d. August, counting from date to date, or sooner if possible. On the 10th of June, I received the orders for the delivery of this province: previously to the 22d of August, there were seventy-two days remaining. By making the delivery after thirty-seven have elapsed, I think I have complied faithfully with whatever promises may have been made by H. C. M.'s Minister, who though always bound to observe the same in good faith, must still leave some portion of the fulfilment to be regulated by the particular circumstances in which the commandants find themselves placed.

I assure Y. E. upon my honour and by whatever is most sacred, that in this correspondence nothing is farther from my wish than to cause you the slightest offence or dissatisfaction, but permit me to say like a soldier, as I have been from my youth up to this day, that I view with the greatest surprise, under the circumstances in which we find ourselves, the violent aspect of the following words which occur in Y. E.'s communication, placed there perhaps in a moment of passion: "I consider it my duty explicitly to inform you, that unless your troops are embarked within the time for which I hold your pledge, the transports shall be immediately after dismissed, unless a tender is made of the demurrage upon the two transports, in which case they will be detained two days, and no longer."

If the force of the reasons, with which I have explained my conduct to you, does not suffice to convince Y. E. of its candour and correctness, Y. E. may authorize some individuals to come to my house to receive from me the money which has been allowed as the daily demurrage, and for the two days which you indicate it will be punctually paid. This concerns myself, since Y. E. exacts it, and it also concerns me not to recede, nor will I recede an atom from the path of my duties; and it is for you, in my opinion, to consider upon the other points, and to come to such determination thereon, as may be most agreeable to you.

On Tuesday the 17th instant, at 10 o'clock in the morning, I will deliver to Y. E. the province under my charge, in the Government house. When I proposed to Y. E. to agree upon the mutual restoration of deserters, I thought that the reason of the thing carried with it sufficient weight, but since Y. E. does not think the circumstance sufficiently strong to authorize an agreement on this matter, it rests with Y. E.'s pleasure.

Should the troops, when embarked, be forced to remain in the Bay, the wind and weather preventing their egress, I will be at the expense of their maintenance, as they are under my charge, and I am acquainted with Y. E.'s views on the subject.

I must beg of Y. E. that these unpleasant discussions may cease, since prudence in every point of view requires that they should be avoided.

God preserve Y. E. many years. Pensacola, 13th July, 1821.

(signed) José Callava,
Col. Comm.t of W. Florida,
&c. &c.

H. E. And.w Jackson.

(Tran.) [26] Col. Callava to Genl. Jackson, dated Pensacola, 14th July, 1821.

Most excellent Sir,

I have received Y. E.'s communication of yesterday, in reply to mine of the same date, and as I have already made to Y. E. therein all the remarks which I think necessary, in relation to the points to which you advert in your reply, the matter is settled between us, and on Tuesday Y. E. will receive the Province at the hour appointed.

God preserve you many years. Pensacola, 14th July, 1821.

(signed) José Callava,
Col. Command.t &c....

H. E. Andw. Jackson.

The same to the same, same date.

Most excellent Sir,

I have received Y. E.'s communication of the 13th instant, and having considered the same, I inform Y. E. in reply, that the suitable and necessary explanations having been made in our former communications, in regard to suspending the withdrawal of the artillery, I shall confine myself solely to the unsettled point of the Inventory. Notwithstanding that in order to know whether a cannon is useful or useless, recourse must be had to the necessary and usual examination according to the rules prescribed for the purpose, and that this examination has not been made, – yet has Maj. Stanton set down several as useless; I have appointed this evening for the purpose of his meeting at the Secretary's office the Comm.t of Artillery, to whom I have previously explained my views of the subject, and I rejoice in the belief that the point will be completely set at rest.

I remain with sentiments of friendship and consideration.
God preserve you many years. Pensacola, 14th July, 1821.

(signed) José Callava.
Col. Comm.t &c. &c.

H. E. Andrew Jackson.

The same to the same, dated Pensacola, 15th July, 1821.–

Most excellent Sir,

With a view to a reasonable agreement between us on the subject of the ceremonies which are to precede the act of delivery of this Province, I have thought it expedient to send you to-day the explanations contained in the following articles, on which, and relatively to any points which you may deem necessary to be observed in a similar transaction, your Exc. may suggest any observations you please, tending to our accordance.

Art. 1. The Spanish Picket, consisting of thirty men, commanded by a Lieutenant, will form, with its right near the entrance of the Govt. house; and if Y. E. judges proper that another composed of your troops should form in front of it, you will arrange the matter as you think best.

Art. 2. The guard of the principal point will also be composed of another picket of thirty men, whose post will be relieved by the U. S. troops, at the moment I have finished making the delivery of the Province.

Art. 3. At 10 A. M. on the day agreed on, I will meet Y. E. at the top of the first flight of steps at the Govt. house, and being arrived at the Hall, where the ceremony of delivery is to take place, we will take our seats, Y. E. being on my left hand; the place I occupy

will be mine as actual Governor of Pensacola. I will abandon it to Y. E. who will at that moment receive the keys of the Province, and assume the representation which I shall have laid down.

Art. 4. The Secretaries of the Commission on either side will remain standing, at a little distance from the table.—

Art. 5. I will announce to the by-standers the object of our meeting, and my secretary will read the treaty of cession of this province, and then the Royal letters patent, authorizing the delivery on my part. In continuation Y. E.'s Secretary will read the powers vested in you by your nation for the purpose of receiving the province, and next mine will read the act of ratification, which your Secretary will in like manner recite after him.

Art. 6. After the above-mentioned documents shall have been read, I will put Y. E. in possession of W. Florida, with all the adjacent islands, fort St. Marks, &c.— as expressed in the second article of the Treaty; the Sovereignty and property of Spain in W. Florida being thus transferred to the U. S., I will present Y. E. with the Keys, and declare in the sequel that all the citizens and inhabitants of W. Florida who may wish to remain under the dominion of the U. S. are from that moment absolved from their oath of allegiance to Spain; this done, I will change places with Y. E. and take your left.

Art. 7. Our Secretaries will subsequently read the Act of this ceremony, each in his own language, which we will mutually sign, and exchange, as agreed.

Art. 8. I will inform beforehand the inhabitants of the town of the hour of delivery, and consequently as soon as my act is completed, the authorities of the U. S. will commence the exercise of their functions in W. Florida.

Art. Extra. As the Spanish detachment, which remains on shore during the act of delivery, will have to embark subsequently, and as that from Barrancas must come to town for the same purpose, the vessels will not set sail on the 17th. the whole of which day will be requisite for embarking the troops.

I remain with sentiments of friendship and consideration. God preserve Y. E. many years. Pensacola, 15th July, 1821.

(Signed) José Callava,
Col. Comm.t &c. &c.—

H. E. Andw. Jackson

(Trans.)

Col. Callava to Genl. Jackson, dated Pensacola, 16th July, 1821.

Most excellent Sir,

On my replying to-day to your Excy's communications of yesterday, which are still before me, a termination must necessarily ensue, in a spirit of ingenuous cordiality, to those differences of opinion between us, which are rather to be attributed to accident and misconception than to unfriendly dispositions, which I am far from believing can in any case be harboured by persons of the character of Y. E. and which Y. E. ought to consider as being equally remote from mine.

I am about to speak to Y. E. with the same frankness, candour, and ingenuousness, which I should use towards one of my greatest and best friends, and I therefore beg Y. E. will listen to me with calmness and indulgence.

That a mutual misconception of our opinions is the cause of the unpleasant feelings of Y. E. as well as of my own, there can be no doubt; and

the pain which they occasion both of us is such as men of worth experience, to whose conduct a different aspect and colouring is given either by calumny, or by mistakes or misunderstandings, from those to which it is entitled.

To begin the recapitulation of our proceedings, Y. E. addressed me from Montpelier, notifying me of your having been appointed by your government to receive this Province: you then requested of me information on certain points connected with the delivery of the same by me, and I replied to Y. E. that I could not at that time enter upon the subject, as I neither had orders nor authorisation, but offered to satisfy you as soon as they should be received, as in fact I did the moment they arrived, and that without having seen your credentials, and actuated solely by good faith; this circumstance is an unequivocal proof of the ingenuousness of my disposition, for Y. E. cannot but observe that previously to taking that step I ought to have seen your credentials.

Your Excellency gave me notice of your arrival at Manuel's requesting me to name beforehand a time and place for an interview, exhibition of our credentials, &c and I replied to Y. E. that you might, whenever it suited your convenience, exhibit yours to me, in quality of acting commandant of W. Florida.

I am persuaded that Y. E. on receiving this intimation from me, ought to have visited me in person with your credentials, an ~~honour~~ which I should have been warranted in returning immediately: Y. E. did not do so, thereby treating me in a manner by no means suitable to the real and effective consideration which belonged to my station in West Florida. In my capacity of Governor of a Province, which at that time was subject to Spain, and not to the United States, it was my duty to support my station, with all the circumspection due to it; for what I might have done as José Callava as often as I pleased, the pretensions of my nation would not permit me to think of; because according to the etiquette necessarily observed amongst nations, I should be subjected to a humiliation in appearance indecorous, in making those previous advances to Y. E. which of right should first proceed from Y. E., from the sole circumstance of my being the Chief of West Florida, and of Y. E. coming from without.

Y. E. continued to communicate with me without having presented your credentials, and although by a deviation from my most important obligation, whereby I exposed myself to a considerable responsibility, I gave orders for the delivery to Y. E. of a military point, viz. the Fort of St. Marks of Apalache, for the delicacy of my feelings made me even prefer my own ruin to putting Y. E. under the necessity of shewing me your credentials. And such is the course I have pursued until the present day; this is my undisguised opinion, and here is the disagreement between us: Y. E. believes one of two things, either that at the moment Y. E. arrived at Manuel's I ought to have left this place to pay my respects to Y. E. at your dwelling, or that I should leave my house and meet Y. E. in some other place.

I am persuaded that I have, out of complaisance to Y. E. waved all the points of etiquette which were my due; and in so doing have incurred a real responsibility. Y. E. considers yourself slighted by me, when

it is a truth that I am incapable of being wanting in respect, I will not say to a person of Y. E.'s high standing, but even to the most miserable and wretched of mankind. I believe it to be equally true that you are incapable of wilfully and intentionally disregarding what is due to me; but since it is no longer possible for us to correct the error, whether it be mine, or yours, of which let those who are impartial judge, far be it from me to permit the occurrence to occasion new explanations, or the slightest resentment, and I hope it may be the foundation of a cordial friendship between us for life, which I desire to promote not only with Y. E. but with all those who are worthy of yours.

It is true that Y. E.'s officers were sent to me, but they came as bearers of letters, and not for the express purpose of complimenting me: some of them moreover came empowered to treat with me on subjects, which would perhaps have been more properly arranged by ourselves in a personal interview. If Y. E. had not desired me from the time I wrote my second letter, to deliver my communications to Capt. Call, that he might forward them to you, I should have sent them by an Officer. The first of mine was sent by one of the frontier guards, not only because, from the circumstance of their being on duty at the Govt house, I could rely upon a prompt dispatch, but also because they are usually charged with the duty of carrying letters to and from the Province.

My note of yesterday on the subject of the ceremonial of the delivery was dictated in the best good faith, and had not a point of mere etiquette for its object. Do me the honour to peruse in the enclosed small volume the part comprised between pages 101 and 119, and Y. E. will find the mode in which every thing was conducted on a similar occasion, viz. the delivery of Louisiana by France to the U. S., at which Wm C. C. Claiborne and Genl. James Wilkinson were commissioners on their part for the receipt and Mr Lausat on the part of France for the delivery. I hope Y. E. will from this be convinced how erroneous the opinion is, which Y. E. has, unhappily, formed of me, not only in this last affair, but in all my correspondence.

My wretched state of health does not permit me to write any more at this moment; but I hope, in the course of to-day, to have one of the highest gratifications which I shall have experienced in my life, and that is, if we should not be threatened with rain this evening, (for a wetting might prove fatal to my existence) to have the glory of embracing Y. E. in your Encampment.

God preserve Y. E. many years. Pensacola,
16th July, 1821.

H. E. Andrew Jackson.

(signed) José Callava,
Col. Commt. of West Florida,
& Commissioner under the Treaty for its cession.

Finis.

Pensacola August 4th 1821

To, James Monroe, President of the United States,

Dr Sir,

Having advised you through the Secretary of State, that I had taken possession of West Florida and its dependencies on the 17th July, since which period I have been constantly engaged in establishing by ordinances such a system of Government as the laws, usage and custom of Spain, a just regard to the real condition of this country, and a strict conformity to your instructions, would authorise; and which the peace, happiness and security of this newly acquired territory required; I have at length the pleasure to advise you, that this laborious duty was closed on the 27th ult^o, and that on the day following by a despatch express over land, the copies of all proper ordinances with the commissions necessary to their execution, were sent to St Augustine to W^m G Worthington, to whom by Co^l Gadsden in the first week, I had transmitted a commission clothing him with all the powers heretofore exercised by the Spanish Governor, and fearful that Mr Worthington might not have arrived, I also sent a blank commission provisionally to be filled in the absence of M^r W— in the name of the Commanding Officer of St Augustine

I find that this was a wise precaution, as from a letter received from Mr Worthington on the 26th July, dated Baltimore 30th June, it appears that he thinks there cannot be any

urgent necessity for his presence in a short time. If there exists not a necessity for the presence of the Secretary of the Floridas at this time, when the Government is just in organization, when all commissions are to be made out, and attended, surely their services afterwards can be dispensed with. Let me assure you that the absence of the officers appointed, has given rise to great labour to me and considerable expence to the Government, for Clerks have been employed to do that which should have been done by the officers duly appointed by you.

The information of Mr Worthingtons being in Baltimore, and my uncertainty as to the safe arrival of Cl Gadsden at St Augustine, made it, therefore, necessary to communicate with St Augustine over land, as in the absence of the one Mr W, and should any accident have detained the Col, there is no person there to administer the Government, until the arrival of my express.

I this day enclose to Mr Adams, Secretary of State, a full report of all my proceedings in taking possession of the Floridas, and also as Governor of the same after possession was had, with copies of the ordinances established by me for the Government of the same, which are forwarded for your approval and further instructions. You will find from the report of Judge Brackenridge, exercising the office of Alcalde for the city of Pensacola, that I have in the organisation

kept as close to the letter of my instructions as the situation of the country would permit.

The taxes &c. to be laid on tavern licenses, Billiard Tables, retailers of Spirits &c., by the city corporation and county courts, are such as have been laid under the Spanish Government, they being the only source through which the necessary funds can be obtained, to keep the springs, streets and canals of the Town in good repair, by which the health of the city can be preserved. I have endeavoured in my letter to the Secretary of State to explain through him to you, the reasons for introducing every ordinance for the Government of the Floridas, to which I beg leave to refer you.

I should have closed these arduous duties fifteen days since, had it not been for the treacherous and dishonorable conduct of Governor Callava, in whom some of my officers incautiously trusted, and viewing him as a high minded military man, in whose pledge of honor they could place implicit reliance, did not for a moment suspect for the deception & baseness which they have since experienced. I had entrusted to Majr Stanton, Quarter Master, the procurement of the transportation and provisions, and of course when Governor Callava claimed the right of taking from the Fortifications their means of defence, I claimed an exemption from the cost of provisions and transportation of civil officers, including the transportation of both the civil and military officers. The Governor proposed that the ordnance &c. should be inventoried and receipted for, to which

I assented, having the Provisions, transportation &c. inventoried and receipted for in the same manner, which was, and well understood, to be agreed to and to be referred to our Governments, as you will see by referring to our correspondence duly reported to Mr Adams, and to which I refer you. The duty of taking the inventory and receipt, was enjoined upon Majr Stanton, as you will see by my letter of instructions of the 6th July, and he had been verbally instructed and urged by me to be particular on this subject, for although my officers had great confidence in Governor Callava, I was too well acquainted with the Spanish character, and with the intrigue and duplicity exercised by Governor Folch with Ellicott and Col Hawkins, to have any: I therefore was particular in urging all concerned to beware, and do their duty carefully. At length the 17th was fixed upon for delivery of the county, and (as I supposed) all inventories and receipts ready for execution on the morning of that day. While on my march to Pensacola, Majr Staunton reported to me, that Mr Cruzat, Secretary of Govr Callava, had reported to him, that the ill health of the Governor and great press of business, had prevented him from having the inventory of the provisions, transportation for civil officers, their families, servants &c, ready; but hoped that it would make no difference, as the Governor was to remain, and as soon as his health would permit, the inventory and receipt should be made in

conformity to the agreement contained in our correspondence, and satisfactory to me - I replied to the Mayor, that he was responsible for this inventory and receipts - if he had full confi-dence that the pledge would be complied with, I had no objection to this indulgence, as the Gov-ernor was ill - the Mayor replying, that he had full confidence, the indulgence was grant-ed. A few days after, wishing to close my correspondence communications, the Governor being apparently well and walking the Town, I directed Major Staunton to call upon him for a fulfilment of his engagements, and to my surprise after ten days he refused. I could not believe it possible - I ordered Doctor Bronaugh and Maj. Staunton to wait upon him with an inventory precisely in the words of my let-ter of the 23d Affairs, to which he had assented. The has refused however, after this previous obligation, as stated in the report of Bronaugh and Staunton, I then wrote him my letter of the 3d, and have left him to the reflections of his own conscience, and have a hope that my Government will stamp his perfidy with such marks of displeasure, as will convince Spanish Officers hereafter to comply with their engagements of honor.

Having finished the arduous and unpleasant duty of establishing and putting in motion the Government in the Flor-idas, I have a moment to spare to reply to your letter of the 23d of May last.

I have to remark that the Judicial Districts established by you in the Floridas are

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well arranged, and I have adopted them nearly in the division of the two counties I have establi-
-hed for judicial purposes.

As to the Gentleman you have selected to fill the ~~fee~~ appointments in the Floridas, not knowing any of them but Judge Duval & Brom-
-onenter and those very slightly; I have no re-
-mark, believing that you would appoint none to office, that you did not believe competent & of good character. It is unfortunate that sometimes you may be, as we all are, imposed upon. As to myself, I have only to say that I had a right to expect from the manner and inducements under which I agreed to accept the office, that at least the Secretary of West Florida would have been a man of my personal acquaintance, and in whom I had confidence — Had I not confidently expected this, I should never have accepted the Office. I feel however happy that the objects which induced my accep-
-tance are nearly completed, ~~the Government is organised~~ the country has been received, the Government is organised ~~and~~ when in complete operation, I shall eagerly embrace the condition which qualified my acceptance, which was, the liberty of retiring to private life, and it may be in the selection of your officers you had an eye to this ~~condition~~ contingency.

There are none of the Officers appointed, yet arrived, except Judge Bromonenter, who reached me on the 27th ulto, but not having his commission cannot enter upon the duties of his Office. I would not be acting towards you with the

faithfulness and candour of a friend, did I not bring to your view the opinions expressed here of the characters you have appointed as Judges. It is understood here that Mr Duval is a good private character, but of very moderate ~~character~~ capacity as a Lawyer. As to Mr Frommentin, his character is spoken of with great freedom — It is said and that too by men of high standing here, and those who have been here from New Orleans, that all are astonished at his being appointed a Judge, and it is publickly stated that he was brought up a Priest in France; that at the downfall of the Bourbons he fled from the republican reign — came to America — settled in Maryland and married into a respectable family — removed to Orleans and was appointed a Senator in Congress, and whilst in that capacity on the restoration of the Bourbons, left his wife — took up with a base woman — travelled publickly with her to Orleans and took her with him to France, where he repaired, as is alledged and believed, to regain his Priesthood, disannul his marriage and continue his intercourse secret with this base woman: But disappointed in obtaining his Priesthood — he returned to America — conciled to his wife and returned again to Orleans with her, where he resided until clothed with ~~authority~~ an agency under our Government appertaining to the Treaty with Spain, he came here — borrowed money, which he failed duly to pay before he left here — for which suit was brought against him, and in the Spanish form proceedings of a kind of outlawry were entered against him — all of

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which appear on record and were posted on the corners of the houses when I arrived.

First impressions are always the most lasting, and it was of vital importance to the future welfare and greatness of this country, that in the first instance the Judiciary should have been filled, not only by men of unspotted and unimpeached moral character, but men of first standing in point of legal knowledge, securing them universal confidence both in their talents & integrity, and freedom from the suspicion of Bribery or the capability of corruption. But what confidence can these people have in a Judiciary protecting their moral & civil rights, in which the only Judge who presides, in his private walks respects neither? I must confess since I have heard this story, (and it is freely spoken of and said to be publickly known) I should not like to continue in the administration of the Government with such an associate.

The first duty of all executives to the countries over which they preside, is to give to the people competent and fit persons to execute the laws provided for the security of their lives, their liberties, their reputations and their property; and I can assure you this confidence does not exist either in the Spanish or American population here in the case of Judge Fromentin.

Knowing this, I have viewed it as my duty to you — as a ~~friend~~ friend to make

to make it known, with the assurance that I have no unfriendly feeling towards Mr Fromonentin. He is a polite, gentlemanly man, but from the character given of him both here and in Orleans, both as to his capacity as a Judge and his moral character, I cannot confide in him.

As to the rest of the Gentlemen, I have a good report; my only regret is, that they were not here to aid me in the labours of organising the Government. However, with the aid of my old and faithful companions, Doctor Bronaugh and Capt Call, with the assistance of Judge Brackenridge, whom I have found intelligent and very useful from his general acquaintance with the law, the Spanish language, usage and customs; I trust you will find the Government organised with the sole view to the protection of the citizen in all his rights secured under the Treaty and the constitution of the United States.

You will find from the report of the Quarter Master, Maj. Staunton accompanying the report to the Secretary of State, that the public buildings are in such a state of dilapidation that it will not be in my power to accomodate Mr Smith and others, as you have requested. The Government House is the only one, except the Block Houses and the Hospital, that is inhabitable, and the Government House was so unsafe that I gave it up to the Quarter Master as the quarters of the officers, and

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accepted in lieu thereof, the upper story of of a House for my self, family and suit, by which there is a saving to the Government of upwards of one hundred dollars per month. The fine building called the barracks is in a state of ruin; a proposition has been made by a Mr Edwards to repair it, for a lease of six years; the proposition I think a beneficial one and ought to be acceded to on the part of the Government; but having no power to accept it on the part of the Government, his proposition and my letter to him, have been referred to the Secretary of State, to which I beg leave to draw your attention and request your early reply — It will take from twelve to fifteen thousand dollars to make the repairs offered to be made by Mr Edwards, and if not made by some one in four months, it will be in such a state of ruin as will compel the corporation to pull it down, to preserve the lives of the citizens who are in constant danger when passing under it.

I Should here close this letter; but that justice to the military character, which I hold dear, requires that I should briefly notice the recommendation accompanying the register reducing the Army, and recently made public.

It is with extreme regret, that I have met the irritation produced by this unmilitary recommendation made by the

Board of Genl Officers and promulgated to the world, when six meritorious officers are to be removed from place to place, reduced from grade to grade, and one driven out of office, to give one favorite officer an election of offices. However meritorious that officer might be, his merits cannot be superior to some of those six whose military feelings have been excoriated by this unusual, unmilitary procedure, which has not its equal in military annals. Genl Atkinson is a favorite of mine, but still general justice is due to all, and we have no record of that superior display of Genl Atkinsons military prowess, of battles won and countrys saved, to justify such an election of offices at the expense of others who were distinguished in the late war, and who had the honor of in their country's cause ~~of~~ to be engaged in more conflicts with the enemy, than any of those who composed the board of Genl Officers. I admit that it was due to Genl Atkinson, that he should be provided for; but just in the way that other meritorious officers were, that an office should have been selected by the Board for him, which he might have accepted or not, at his pleasure.

Can it have been supposed by this Board of high minded military men, that those six officers of equal high mind and military merit, could ever brook the insult, and condescend to be drove from place to place, from grade to grade and some out of office, to make way for one indi-

-vidual not more meritorious than them-
-selves? This could not have been thought
by those who formed the Board, and why
this recommendation has been published
with the register, all military men are at
a loss to discover; unless it was still more
to excoriate the feelings of those six offi-
-cers by holding forth Genl. Atkinson, their
superior, and that those six were retained
out of mere special favor and placed
at the disposal of the General. These
military men must either be devoid of
military feeling themselves, or calculate
badly on the feelings of others. Can they
expect others of equal military merit to
succumb to things, that they themselves
as military men would spurn? And
let me ask, what will be the sensations
of the Public, when it is understood that
this election of officers has been given to
one who has never fought one battle for
his country, at the expense of others who
have fought many, and always obtained
the approbation of those who commanded
them? To Genl Gaines, the officers of
this division looked for protection, and
how he will be able to explain this to the
satisfaction of those Gentlemen, I cannot
say. Col Taylor if I judge of him rightly
will resign; and in short none of those
who were thus placed in the register, can
consistently remain in service. As for
my own part, before I would be thus de-
-graded I would cut for my subsistence

I can assure you it has produced a general feeling of disapprobation, which I sensibly feel knowing the personal merits of several of those Gentlemen who deserved to be treated by their country in a more delicate manner to say the least of it, for Genl Atkinson could have been amply provided for without placing this unmilitary thing upon the register, or making any officers subordinate to his will or election.

I have thought it my duty thus far to remark, that you might consider the subject, and extend justice to those men whose feelings are much wounded by this procedure, and such as never should have taken place without my public protest had I been one of the Board

Altho I have retired from the command of those brave and meritorious officers, to the prowess of many of whom I have borne testimony in the hour of battle and of danger, I still feel for them.

With a tender of Mrs Jackson's and my best wishes for Mrs Munroe and your amiable family, and with my great regard for your individual happiness

I remain Sir, with great respect.

Yr. Mo Obt. Servt.

Signd, Andrew Jackson

~~P. S.~~

~~Since writing the above, Mr Walton~~

Since commencing this letter, Mr Walton has arrived, but has not as yet entered upon the duties of his office. Yrs. Resp.

Signd, A. J.

Pensacola July 29th 1821

Dr Sir,

I have the pleasure to acknowledge the receipt of your letter of the 19th ulto, enclosing me a copy of Mr Penieres instructions as Sub-agent of the Indians in the Floridas. Mr Penieres has not yet reached me, nor have I heard any thing from him, nor has a single officer appointed for West Florida reached me, except Mr Fromentin who arrived day before yesterday, but without his commission and cannot enter upon the his official duties. I was compelled to organise the Government with my old staff in the best manner I could, with the aid of Judge Brackenridge whom I found very useful from his legal knowledge, and his acquaintance with the Spanish language. I have closed its organisation day before yesterday, and have been steady to the existing state of things, the Laws of Spain, new modelling the Government so as to give perfect security to individual rights, and as far as practicable keeping up the Spanish mode of trial, excepting only, when it was necessary to secure the individual in a speedy ~~trial~~ public trial in all civil cases, and in a trial by Jury in all criminal cases. Copies of all ordinances which I have thought necessary for the well being and good order of society here, I have forwarded to the Secretary of State, to which I refer you.

As soon as Mr Penieres arrives, I shall present to him a copy of his instructions, and adopt such measures relative to the Indians as their happiness, and the interest and

the welfare of the U. States may seem to require. Information received states, that the Indians are preparing to remove up among their brethren in the Creek county above the Florida line, so soon as they can gather their crops — this if true, will promote their security and the tranquillity of the Southern frontier.

I have the pleasure to inform you that after experiencing every possible delay, first, from the unexpected delay of the Hornet at the Havanna, the loss of the transport Cora, and lastly the delay, by adverse winds, of the transports from St Marks, 13 days, and an attempt by the Governor for a further delay, which I promptly met and put down; I obtained formal possession of this place, with West Florida and its dependencies on the 17th Instr, at 10 o'clock A.M, and on the 19th inst closed its entire organization, and on the 20th started an express to St Augustine with all the ordinances and commissions for the due execution of the Government there; that perfect order reigns in the city of Pensacola, and if the Board of health which I have established with Doctr Bronaugh at their head, do their duty, we may maintain health in the city.

I have appointed Judge Brackenridge, Alcalde for the city of Pensacola. He is very useful and has given great satisfaction to the Spanish Population, and nothing but good order reigns.

I have been compelled to keep Capt Call and my nephew Lt Donelson with me, and have to ask a furlough of three months

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for Capt. Call — he has been doing the duty of Secre-tary of the Territory pro. tem. I cannot now spare him until the business is closed, and the Secretary ap-pointed by the President arrives, or if he was now here until I get the records up.

My duty has been laborious; being disappointed in a printing press which has long been expected, every ordinance and other act has been copied and promulgated in manu-scripts — making a task of great labour, and especially so, as many of them had to appear in both the Spanish and English Lan-guages. From all which you will see the necessity of my having a confidential person with me; but as it is, I have no personal acquaintance with any of the Gentlemen appoin-ted to office in the Floridas by the President, and Mr Walton has been represented to me as much in the friendship of Mr Wm H Craw-ford, a circumstance not very recommen-datory to my confidence.

Mr Frommentins character is freely spoken of, and the population are greatly astonished at his receiving the ap-pointments of Judge. It was all impor-tant that the Judge should have been a man of good character and of such legal standing as would have given confidence to the people. Mr Frommentin is not that character — the fact is, he has no standing here or at New Orleans, as a Lawyer or as a moral man. It is said here publickly (the reality of it, I will not vouch), but it comes from the most respectable, and men of high standing

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that he was bred a Priest in France – fled from Bonaparte's rule – came to America – married in Maryland – moved to New Orleans – there appointed a Senator in Congress and whilst such, on the restoration of the Bourbons – left his wife – took up with a base woman – travelled with her to Orleans – thence to France, where it is alledged he repaired to regain his Priesthood – disappointed – he returned to America – conceded to his wife and settled in New Orleans – That, when he was here an Agent for the Government under the Treaty with Spain – borrowed money – went off without repaying it – was proceeded against in the Spanish form as an Outlawry, and which I am informed by the Keeper of the Records, stands now against him, and when I arrived was posted on the Public Corners. How, I ask, can these people just coming in under our Government have confidence in it; when the Judge who is to watch their morals and civil rights, is thus accused &c. &c, what claims can Mr Fromentin have upon our Government that he should be provided for at the expense of the ~~pea~~ happiness of the people? no people can be happy, unless they have confidence in the laws, and also in the administrators of those laws – In Mr Fromentin, the best informed can have no confidence, and the Judiciary of the Floridas should not only be filled by men of qual legal capacity, but by men of unspotted moral character: for how, can it be expected, that an immoral man will execute laws, moralising mankind,

while they condemn his own acts.

I have no unpleasant feelings toward Mr Fromentin, for he is seemingly polite and gentlemanly; but to be associated with such a man as he is publickly represented to be, in the administration of the Government, is a thing that I cannot reconcile to my feelings, and I reflect with pleasure that the time is fast approaching when this Government will be in a complete state of operation, when I can retire agreeably to the terms on which I accepted the Government.

I have been so much engaged, that I cannot say what effects the climate might have upon my constitution, but under existing circumstances I am determined to retire by the meeting of Congress.

I am Sir, with great respect
Yr. Mo. Obt. Servt.
Signd, Andrew Jackson

The Honble. J. C. Calhoun
Secy of War

Pensacola July 29th 1821

Dr. Sir,

I could not be acting towards you with that candour and good faith to friendship which I profess, were I not to assure you of that general feeling of disapprobation excited by the unusual, unmilitary recommendation of the Board of Genl Officers, placed at the top of the 14th page of the Register of the army, under date 17th May 1821; as is the case also in the promotion of Col. Towson over the head of those who formerly commanded him.

You have my good opinion of Genl. Atkinson and my friendly feelings towards him; but Sir, not-withstanding the regard due his merit, it must be admitted that there is such a thing as general justice, which should never on any account be departed from — I will vouch for it, that such an un-military procedure, as the one alluded to, cannot be found in military annals. I am free to grant, that Genl. Atkinsons military merits entitled him to a provision in the army; but this might have been done without infringing the rights of other military men of equal merits — Could this not have been done, and the feelings of six meritorious officers not wantonly abused? Why not provide for him an office equal to his merits, and leave him like other officers to accept or not, and not have placed six men of military feelings, the subjects of his election, to be driven from place to place from grade to grade and some from service? And why place this unjust, humiliating thing upon the register? Was it that Genl. Atkinson should be held forth to the people as a military man, who by deeds of arms had achieved unusual laurels for his country, and that those six officers were placed at his disposal out of mere special grace, and not from any real military merit? If some such object as this, was not the view of the Board of Genl. Officers, I cannot see why it was permitted a place upon the Register, for certainly the Gentle-men of the Board, could not have been so devoid of judgement and military feeling as not to have foreseen the feelings which would have followed the moment of its appearance. They must have known that every military feeling in our country

must have been aroused at so novel a procedure, and if they did not thus reflect, it was because they were lost to justice in their own greatness.

The rule is bad, which will not work both ways. If the Gentlemen composing the Board had placed themselves in the situation of those six, and consulted their own feelings under similar circumstances, they would have ~~better~~ formed a better judgement and no doubt with the feelings of mili-tary men, would have spurned and exclaimed against the injustice of so unmilitary an act.

These Gentlemen on the least sober reflection must have known that this act so excruciating, and degrading to the officers concerned, and to be removed, reduced and turned out of office the moment of its promulgation to the world, would have produced an enquiry into the merits of this favorite officer. What will be the result, when it is established, that this favorite of the Board of Officers, given an election at the expense of the feelings of six meritorious officers, has never fought one battle for his country? What must be the sensation of the public, and partic-ularly when from the enquiry, some of these six have experienced more privations, can boast of fighting more battles for their country, than a-ny of the Genl officers who composed the Genl Board — It cannot be forgotten that three of these six, greatly distinguished themselves in the late war. In short Sir, this act of the Board, is the most unmilitary one I ever knew — this Sir, together with that part of the late Genl order of Genl Brown, which ascribes in part the <u>unusual</u> desertions of the soldiers, to the severe treatment

of the officers, has given rise to great disgust and general remark.

The time when, and the source whence the General order comes, have astonished every liberal minded soldier. He certainly knows me not, or if he does, calculates badly upon the duty I owe to my officers, to suppose that I would be silent and permit them thus to be wantonly abused, and particularly when Genl Brown could not be rightly informed of the conduct of the officers of the Southern division for the last six years. There appears to be such a wanton indelicacy in that part of his order, that I have thought proper to notice it in a note to my farewell address to the army, which the want of a press prevented me from publishing until I had a sight of the Genl order.

Genl Brown, if he would have traced the cause of the unexampled desertion to its true source might have easily done so, and he would have found it to have been the want of an adequate punishment for this offence. Corporeal punishment must be restored to the army, or desertion can never be prevented — for the first offence give 50 lashes, the second double them, and the third let them be shot — a few examples will remedy the disease. A man who, from motives of popularity forgets his duty to his officers, is unfit to command.

I sincerely regret that causes have been thus given for ~~offence~~ irritation among the military, lest part of it may attach to you, for ~~permitting the recommendation to attach to you~~ a place upon the register, and believe me to

be candid when I say to you, that I regret any thing that may have the least tendency to check your growing popularity.

I feel for my friend Genl Gaines, he was looked up to as the representa-tive of the S. Division, and from whom stern justice was expected. To join in such a recom-mendation is an act that he can neither ex-cuse, justify or satisfactorily explain — Some of those six will resign. I know so much of Colonels Butler and Taylor, that I am positive they cannot submit to such a degrading, unmili-tary condescension — All those possessing those high, manly feelings, serviceable to their country, must resign — They cannot brook the outrage — measuring their feelings by my own, I would sooner quit for a subsistence — those that do not must forget those feelings that inspire great deeds, and must submit for the sake of a mere sup-port — they will not feel that pride and and love of service, which make the day of battle, the day of danger & glory.

Widely different, would the case have stood, had Genl Atkinson been provided for with one office, and left as others were to accept or reject, and those six placed with their present rank upon the Register. But as the case now stands, they can pursue but one honorable course, and that is resignation before they will submit to condescension gratifying one individual not more meritorious than themselves.

I sincerely rejoice that Col Gadsden will be near you. He will be watchful

and will not suffer such unmilitary acts again to occur without drawing your attention to them - for be assured, to make an army serviceable and respectable you must cherish and keep alive, those high minded military feelings, without which you cannot calculate upon an advantageous service, or realize your expectations in the day of battle.

I have informed Col. Gadsden of yr. request to St. Augustine, that I have forwarded your letter to him at Washington —

I am Sir, with great respect
yr. mo. obt. servant
Signed, Andrew Jackson

The Honble J. C. Calhoun
Secy. of War